

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 14, 2020 @ 6:00 P.M.**

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
JANUARY 14, 2020 @ 6:00 P.M.**

- I. APPROVAL OF AGENDA**
- II. INTRODUCTION OF COMMISSION MEMBERS**
- III. APPROVAL OF MINUTES FROM DECEMBER 10, 2019**
- IV. PUBLIC HEARINGS**

VARIANCE(S) / SPECIAL USE PERMIT(S) / REZONING(S):

A20-01F. Request to issue a variance to reduce the side yard setback from 10 feet to 4 feet, located at 2522 Sourwood Drive, (Tax Map# 0428-79-8304) and being the property of Rose Marie & Harvey Stewart. (Jennifer Baptiste)

P20-02F. Rezoning of two properties from Single-Family 6 (SF-6) to Limited Commercial (LC), located at 1410 Haywood Street, (Tax Map# 0447-40-6460 & 0447-40-6218) totaling 0.54 acres ± and being the properties of Kenneth Horne & Glenn Alphin (Represented by Joshua Walters). (Craig Harmon)

P20-03F. Request for a Special Use Permit to allow a halfway house to be located in an Office and Institutional (OI) zoning district, located on properties fronting Tally Ho Drive and Cain Road (Tax Map # 0428-03-9112 & 0428-12-0912) east of Bragg Blvd., containing 2.97± acre and being the property of VKC INVESTMENTS LLC, represented by Henry Tyson & Jonathan Charleston. (Craig Harmon)

V. OTHER BUSINESS

VI. ADJOURNMENT

Please be advised that the City of Fayetteville Zoning Commission will conclude its meeting at 10:00 p.m. or after all business is completed, whichever comes first. If the Zoning Commission is in the midst of a case at 10:00 p.m., it is our intention to finish that case before adjournment. Cases yet to be heard will be continued to a date certain. Thank you for keeping your comments brief.

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
DECEMBER 10, 2019 @ 6:00 P.M.**

MEMBERS PRESENT

David Baran (Vice Chairman)
Willie Dorman Jr.
Roger Shah
Alex Keith (Arrives at 6:07 p.m.)

STAFF PRESENT

Taurus Freeman, Planning & Zoning Division Manager
Jennifer C. Baptiste, Senior Planner
Craig Harmon, Planner II
David Steinmetz, Chief Zoning Administrator
Lisa Harper, Assistant City Attorney
Heather Eckhardt, Zoning Administrator
Catina Evans, Office Assistant II

The December 10, 2019, Zoning Commission Meeting was called to order by Vice Chairman David Baran at 6:04 p.m. Baran asked each member to announce themselves and each member stated their name.

I. APPROVAL OF AGENDA

MOTION: Baran made a motion to approve the meeting agenda.
SECOND: Roger Shah
VOTE: Unanimous (3-0)

Baran asked if board members had any conflicts and each member stated no.

II. MINUTES FOR NOVEMBER 12, 2019 MEETING

MOTION: Roger Shah moved to approve the minutes from the November 12, 2019, meeting.
SECOND: Willie Dorman Jr.
VOTE: Unanimous (3-0)

III. PUBLIC HEARINGS

The Zoning Commission is charged with the review of applications for rezoning, conditional rezoning, variances, and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our recommendation, they have the right to appeal to the city council, within 10 days of the recommendation. With respect to your presentation each side has a total of 15 minutes to present their case either for or against the applicant's request. However, this rule does not apply to Special Use Permits. The clock you see to your left will monitor the amount of time you are using. The time used in responding to questions asked by the

commission will not be counted against you. The Special Use Permit process and the Variance process are Quasi-Judicial processes so those testifying will not have a time limit and will be sworn in.

No members of the Zoning Commission required/requested recusal from any case being presented.

P19-42F. Craig Harmon presented the case for the rezoning of property located at 7009 Fillyaw Road from a Single Family (SF-15) to a Multi-Family Residential (MR-5). The case was previously presented twice (once in 2011 and 2014) as a conditional rezoning and denied. The staff recommended the denial of MR-5 due to no change in the current request from previous requests.

The speakers in favor were as follows:

Kenneth A. McKethan Jr. – Highway 82, Dunn, NC

Kenneth A. McKethan Jr. stated that they seek a more favorable zoning for their property on Fillyaw Road. He stated that they were recently told conditions had changed and were advised to request new zoning to MR-5, but they are open to SF-6 zoning. Kenneth stated that I-295 is open and Riley Road and Bragg gates are open which would reduce the traffic flow on Fillyaw Road, which was of concern to residents.

James F. McKethan – 1936 Culpepper Lane Fayetteville, NC 28304

James F. McKethan stated that if Fillyaw Road was rezoned it would serve as a win, win for all stakeholders involved. He mentioned that rezoning would lead to a more attractive parcel, provide for employment opportunities, and it would increase tax revenue for the City of Fayetteville as well as for developers. Therefore, they are seeking favorable rezoning for their property and welcome a compromise to adjust to a lower density rezoning status.

David Allen-367 Edinburgh Drive, Fayetteville, NC 28303

Mr. Allen is a real estate broker who previously tried to help the McKethan family sell the property. Allen stated that the first time they tried to rezone it a group in Raleigh wanted the property. He said they were advised to request rezoning at the current MR-5 density. They were willing to compromise at another lower density, but it was never suggested to them. They were requesting a little leniency regarding zoning and not the zoning previously proposed. He stated that the land is currently a dump land and the most desirable outcome would be for them to allow apartments on the property.

Craig Harmon mentioned that committee members should refer to a packet of information from residents who emailed or hand delivered their concerns.

Speakers in opposition were as follows:

Jackie Tuckey- 7002 Marquis Place, Fayetteville, NC 28303

According to Tuckey, she bought her house in the area in 1977 and then she was gone for nine years. She said that she has been in the house and raised her family there since 1989. Tuckey stated that there are several multi-family homes in the area and they see a lot of traffic. She said she and other residents do not desire to have the high density multi-family units in their area.

Ted Fujimoto- 712 Roundtree Dr. Fayetteville, NC 28303

Mr. Fujimoto said he is the current Summerhill Community Watch leader. He stated the he was present at the previous zoning request in 2011 and 2014, and he does not see what has changed since then that merits another zoning request. According to Fujimoto, traffic has increased over the years. With the Fort Bragg gate closed there is an increase in traffic and major backups on Fillyaw Road. The City Council had previously assisted them by changing the hours for which the Riley Road gate was closed. He stated that in 2017-2019 there were 954 accidents, and with the newly opening of I-295 the residents have not yet seen the changes in traffic. Furthermore, he iterated that the Yadkin Road gate will close evenings and on weekends which will cause traffic to divert to Fillyaw Road during these times. He stated that pedestrian safety is of concern since there is no sidewalk on the road, and he noted that widening the road would mean the addition of gutters.

Baran closed the public hearing and asked staff for additional comments. Craig Harmon said they can recommend a lower density than originally requested. According to Harmon, the SF-6 zoning would allow for multi-family units under a special use permit.

Baran opened up the hearing for additional questions. After further remarks and questions, Baran closed the public hearing. Then, with no further questions Baran asked for a motion on the MR-5 zoning request.

MOTION: Alex Keith made a motion for the Commission to recommend to change the zoning for 19-42F to SF-6 zoning with the understanding that the owners are okay with this change.

Attorney Lisa Harper clarified that the option is to recommend change in zoning from MR-5 to SF-6 zoning. If the motion is seconded then the members can vote on it. If the motion is not seconded then it dies. She inquired if Keith wanted to withdraw his previous motion. Alex Keith withdrew the original motion

MOTION: Alex Keith made a motion to rezone property from SF-15 to SF-6.

SECOND: Roger Shah

VOTE: Passed (3-1) Baran opposed

P19-51F. Jennifer Baptiste presented the rezoning of a property from Heavy Industrial (HI) to Mixed Residential 5/Conditional (MR-5), located at 100 Sycamore Court. Staff recommended approval from HI to MR-5 because: 1) this proposed zoning map amendment implements the policies and suggested zoning adopted under the Cape Fear River Plan of 2016, 2) the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property, 3) this proposed change is in accordance with the existing and proposed plans for the area, and 4) there are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Baran opened and then closed the public hearing due to no speakers in favor or opposition.

MOTION: Roger Shah motioned to rezone the property from Heavy Industrial (HI) to Mixed Residential 5/Conditional (MR-5), located at 100 Sycamore Court.
SECOND: Willie Dorman Jr.
VOTE: Unanimous (4-0)

P19-55F. Craig Harmon presented the rezoning of property, located near the intersection of Old Shaw Road and Bragg Boulevard, from Mixed Residential 5 (MR-5) to Community Commercial (CC). The staff recommends approval because it implements policies and standards that are in accordance with the Unified Development Ordinance and the area will accommodate retail businesses to include hotels.

The speaker in favor was as follows:

George Rose – 1206 Longleaf Drive, Fayetteville, NC 28305

Rose, an engineer, was representing the owner. He added that east of the property (which would remain zoned MR-5) contained a storm water management facility with landscaping. This structure would provide an adequate buffer for the rezoned property.

There were no speakers in opposition. The public hearing was closed, and Baran asked for a motion on P19-55F.

MOTION: Willie Dorman Jr. made a motion to rezone the property from a Mixed Residential 5 to Community Commercial on Old Shaw Road and Bragg Boulevard.
SECOND: Roger Shah
VOTE: Unanimous (4-0)

IV: ADJOURNMENT

MOTION: David Baran moved to have the meeting adjourned.
SECOND: Roger Shah

The December 10, 2019, meeting adjourned at 7:12 p.m.

Respectfully submitted by Catina Evans

A20-01F. Request to issue a variance to reduce the side yard setback from 10 feet to 4 feet, located at 2522 Sourwood Drive, (Tax Map# 0428-79-8304) and being the property of Rose Marie and Harvey Stewart.
(Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Jennifer C. Baptiste, CFM – Senior Planner
DATE: January 14, 2020

RE:

A20-01F. Request to issue a variance to reduce the side yard setback from 10-feet to four (4) feet and allow an attached carport to locate in the side yard, located at 2522 Sourwood Drive, (Tax Map# 0428-79-8304) and being the property of Rose Marie & Harvey Stewart.

Council District:

3 – Tisha Wadell

30.2.C.14 Variance:

The purpose of a Variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by Variance.

Background:

Owner: Rose Marie & Harvey Stewart

Applicant: Harvey Stewart

Requested Action: Reduce the side yard setback from 10-feet to four (4) feet and allow an attached carport to locate in the side yard.

Zoning District: Multi-Family Residential (MR-5)

Property Addresses: 2522 Sourwood Drive

Size: 0.19 acres ±

Existing Land Use: Single-Family Residential

Surrounding Land Uses

North: SF-6: Residential Homes

East: MR-5: Residential Homes

South: MR-5: Residential Homes

West: MR-5: Residential Homes

Letters Mailed: 46

The City's UDO Section 30-3.D.5. Multi-Residential (MR-5) District

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-3: Zoning Districts

30-3.D. Residential Base Zoning Districts

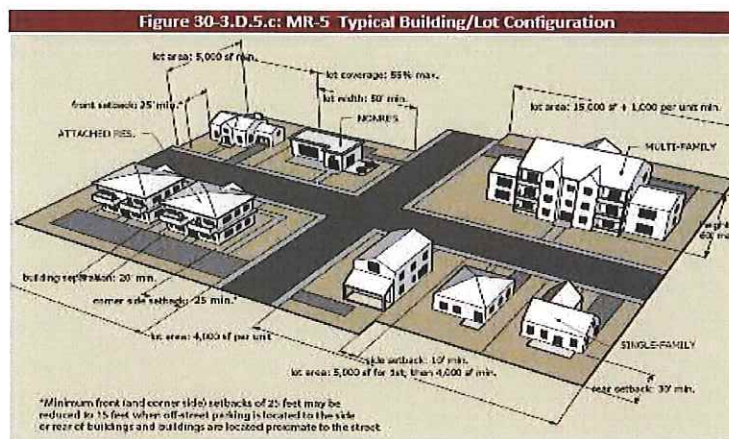
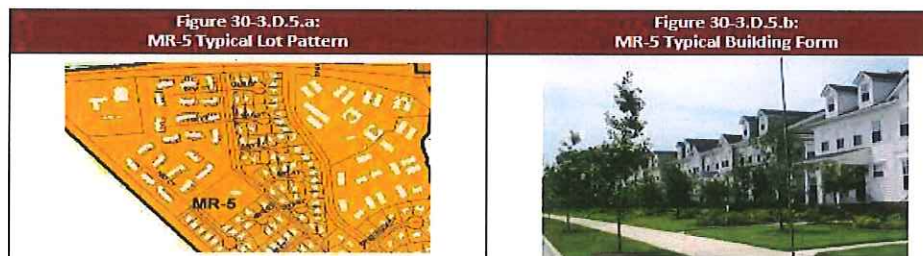
30-3.D.5. Mixed Residential 5 (MR-5) District

MR-5 MIXED RESIDENTIAL 5 DISTRICT	PURPOSE					
	The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.) [2]	5,000 for 1st unit, then 4,000	4,000		15,000+ 1,000 per unit	5,000	n/a
Lot width, min. (ft.)	50					n/a
Gross residential density, max. (dwelling units/ acre) [3]	18; 20 for zero lot line development				8	n/a
Lot coverage, max. (% of lot area)	55					[4]
Height, max. (ft.) [3]	Lesser of: 4 stories or 60					25; 15 where abutting a single- family zoning district or use with setback less than 10 feet

Front and corner side setback, min. (ft.) [5]	25 feet or 50 feet from centerline of private streets		Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.)	10		
Rear setback, min. (ft.)	30; 15 when corner side setback is 25 or more		5
Spacing between buildings, min. (ft.)	n/a	20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [6]		

NOTES:

- [1] Including live/work units and upper-story residential development.
- [2] In cases where lot area and gross density conflict, the standard resulting in the lesser number of dwelling units shall control.
- [3] Gross residential density and maximum height may be increased through provision of sustainable development features in accordance with Section 30-5.N, Incentives for Sustainable Development Practices.
- [4] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1200 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.
- [5] Minimum front (and corner side) setbacks for multi-family and nonresidential uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.
- [6] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).



(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-018, § 1.0, 9-10-2012; Ord. No. S2014-002, § 6a, 1-13-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015; Ord. No. S2019-018, 1, 04/23/2019)

Issues:

The property in question is 0.19 acres \pm in size. The property is located on Sourwood Drive in the Eccles Park Subdivision. The development standards for the Single-Family 10 (SF-10) District requires homes to have a 25-foot public road setback or 50-foot private road setback in the front yard, 30-feet in the rear, and an 10-foot setback on the sides. The applicant is requesting that the current UDO standard requiring a side yard setback of 10-feet be reduced to 4-feet in order to allow the addition of an attached carport.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The minimum lot size for the MR-5 Zoning district is 5,000 square feet. This lot as subdivided is 0.19 acres \pm or 8,276.4 square feet \pm . Thus, the lot exceeds the minimum required square footage for the zoning district and is a legal conforming lot. The lot has a frontage width of approximately 69-feet with an arc at the front western property line. This arc is due to the curb cut that was installed as part of the platted, unimproved right-of-way that connects Sourwood Drive to Caledonia Circle. Although the right-of-way is unimproved, it is a platted roadway that is partially cleared and maintained.

The Stewarts originally purchased this property in 1984 and have not subdivided nor altered the lot lines of the property. The applicants are intending to build a 12-foot x 20-foot attached carport. However, since this lot fronts on two roadways, Sourwood Drive and an unimproved right-of-way, the lot is subject to a double front yard setback. The home is located approximately 25-feet from the property line that abuts the unimproved right-of-way and is approximately 32-feet from Sourwood Drive. In addition, the home is located 17.3 feet from the eastern side property line. Thus, the property is in compliance with the current Unified Development Ordinance.

Due to the size of the lot and the need to have two front yard setbacks, the applicant's ability to develop the lot is hindered. The applicants are seeking to construct a 240 square foot carport that will be open at the rear, exterior side, and the front. The carport will be constructed approximately 30-feet from the Sourwood Drive property line. However, the applicant is requesting to reduce the side yard setback from 10-feet to 4-feet. Since the carport will not be an enclosed structure and will remain outside of the front yard setbacks, road visibility will not be impaired.

Planning Staff recommends APPROVAL of the variance to allow a reduction of the side yard setback from 10-feet to 4-feet for the purpose of constructing a carport in the side yard setback.

The following findings by the Planning Staff are based on the initial review, analysis and best available information of the proposal without the benefit of testimony provided at the public hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

- 1. There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:**

Although the roadway to the north of the property is unimproved, the roadway is still a platted roadway and has the potential of being opened. Hence, the property is subject to a double front yard setback of 25-feet. One front yard setback to the north and another to the east of the existing home. This double setback reduces the options for development to the sides of the building.

- 2. There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:**

The property owner did not subdivide the property, but purchased the property as platted by the original developer of the subdivision.

- 3. There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:**

A Variance is requested by the homeowner to reduce the side yard setback from 10-feet to 4-feet to allow the construction of a carport. The alternative would be to deny construction of the carport.

- 4. There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:**

The development is consistent with the area and is in harmony with the general purpose and intent of this Ordinance. Since the carport will not be an enclosed structure and will remain outside of the front yard setbacks, road visibility will not be impaired.

- 5. There is sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:**

There is no evidence that the granting of this variance would harm the public safety, welfare, and substantial justice would be insured.

Options:

The Board's Authority: The board has the authority to approve or deny the request and must base its decision on the answers to the following five required findings of fact:

If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact then the member may make a motion to approve the variance and the members must state all of the following five findings of fact along with the evidence that was presented to satisfy each finding.

If the members cannot find specific supporting facts under all five findings of fact, the members must consider a motion of denial. A motion of denial should indicate which of the five (5) of the findings of fact cannot be met.

The board can also place reasonable conditions on any variance approval.

If a member wishes to make a motion to approve the variance they should make a brief statement that recaps the evidence showing each of the five findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five (5) factual findings.

Possible Motions and Factual Findings:

Motion to approve the variance(s) as requested reducing the side yard setback from 10-feet to 4-feet to allow an attached carport in the Mixed Residential zoning district.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

-
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
-

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:
-

5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:
-

Motion to approve the variance(s) but with added conditions to allow a reduction of the side yard setback from 10-feet to 4-feet to allow an attached carport in the Mixed-Residential zoning district.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:
-

2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:
-

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
-

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

Motion to deny the variance(s) thus requiring the carport to comply with the setback set by the ordinance.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

The Planning staff recommends that the Zoning Commission move to APPROVE the Variance request as described above located in the Mixed-Residential 5 (MR-5) Zoning District and because finding(s) 1-5 appear to have been met with the evidence currently submitted.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Photos

Project Overview

#338393

Project Title: Eccles Park
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:

- 0428-79-8304 (Unverified)
- 2522 SOURWOOD DR (0428-79-8304-)

GIS Verified Data

Property Owner: Parcel

- 2522 SOURWOOD DR: STEWART, HARVEY L JR & WIFE ROSE MARIE GRAHAM

Acreage: Parcel

- 2522 SOURWOOD DR: 0.19

Zoning District: Zoning District

- 2522 SOURWOOD DR: MR-5

Subdivision Name: Parcel

- 2522 SOURWOOD DR: NOT APPLICABLE

Variance Request Information

Requested Variances: Lot coverage, Lot area, Lot width, need additional 4' 9" to give me 22'

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.: I'm unable to put carport in back yard due to sogginess and water standing in yard. I have French drains installed beneath the whole back yard and I'm still having problems. I have Sump Pumps and moisture barriers beneath the house in the crawl space. It is constantly running and is being monitored by professionals. I have industrial humidifiers beneath the house also. I need permission to have the carport connected to the side of my house. The dimension for the carport will be 12 feet wide by 21 feet long and 6 feet long. The placement of the carport will be on concrete. It will be 17 feet 3 inches from the house to the property line where the garage will be. I need permission for variance for 5 feet. Thank you.

Section of the City Code from which the variance is being requested.: variance

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.: Trees and undeveloped land are across the street and beside the right side of the house. On the left of my home is where the carport will be.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
3. The Variance is the minimum action that will make possible a reasonable use of land or structures;
4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
5. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Provide a written description of any hardship(s) and how such hardship(s) is not self-imposed.: Water coming up out of the back yard and is soggy everywhere.

Indicate if the property has exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity.: We live at the bottom of the hill and the water is flowing underneath the ground and is coming up into the back yard. French drains are already installed in the ground.

Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations?: We are downhill.

Describe how the variance is in harmony with the general purpose and intent of the City Code, and preserves the spirit.: The carport will blend in with this house.

Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated. Financial hardship cannot be considered for a reason to grant a variance.: This land used to be a lake and we did not know that when we bought this land. Had we known we would have never bought it.

Primary Contact Information

Project Contact - Agent/Representative

Harvey Stewart

2522 Sourwood,Dr
Fayetteville , NC 28301
P:9107294399
Htenman@yahoo.com

Indicate which of the following project contacts should be included on this project: Contractor

Project Contact - Primary Point of Contact for the Contractor

Harvey Stewart

2522 Sourwood,Dr
Fayetteville , NC 28301
P:9107294399
Htenman@yahoo.com

Project Owner

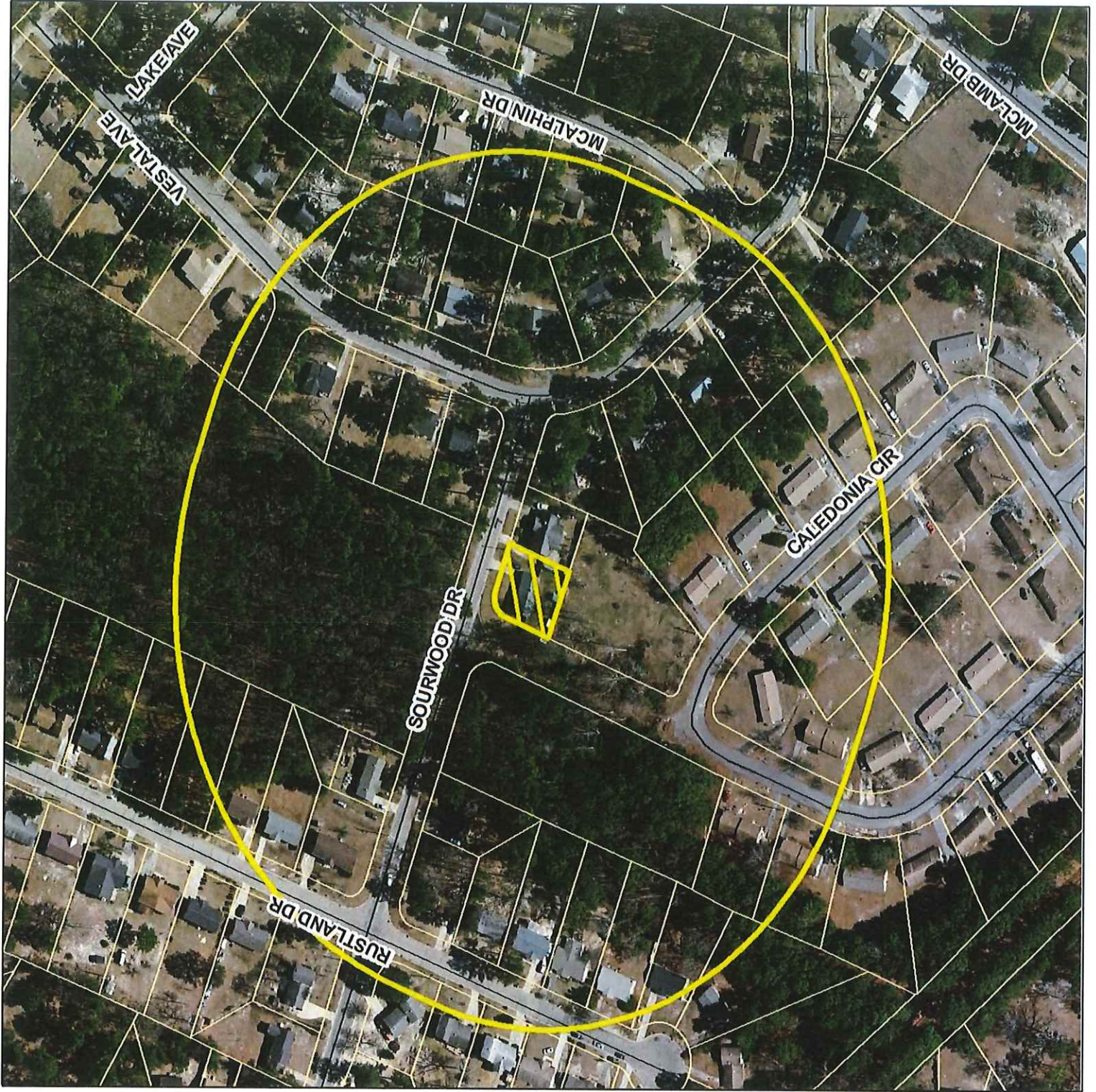
Harvey Stewart

2522 Sourwood,Dr
Fayetteville , NC 28301
P:9107294399
Htenman@yahoo.com

NC State License Number: N/A

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

A20-01F



Aerial Notification Map

Zoning Commission
01/14/2020

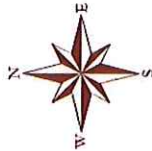
Case #: A20-01F

Request:
Variance
Setback Reduction

Location:
2522 Sourwood Drive

Pins:
0428-79-8304

Acreage:
0.19 acres



Legend



City_Parcels_Buffer 500 ft

A20-01F 2522 Sourwood Drive

Parcels

City of
Fayetteville
North Carolina
PLANNING

Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

Zoning Map

Zoning Commission
01/14/2020
Case #: A20-01F

Request:
Variance



Location:
2522 Sourwood Drive

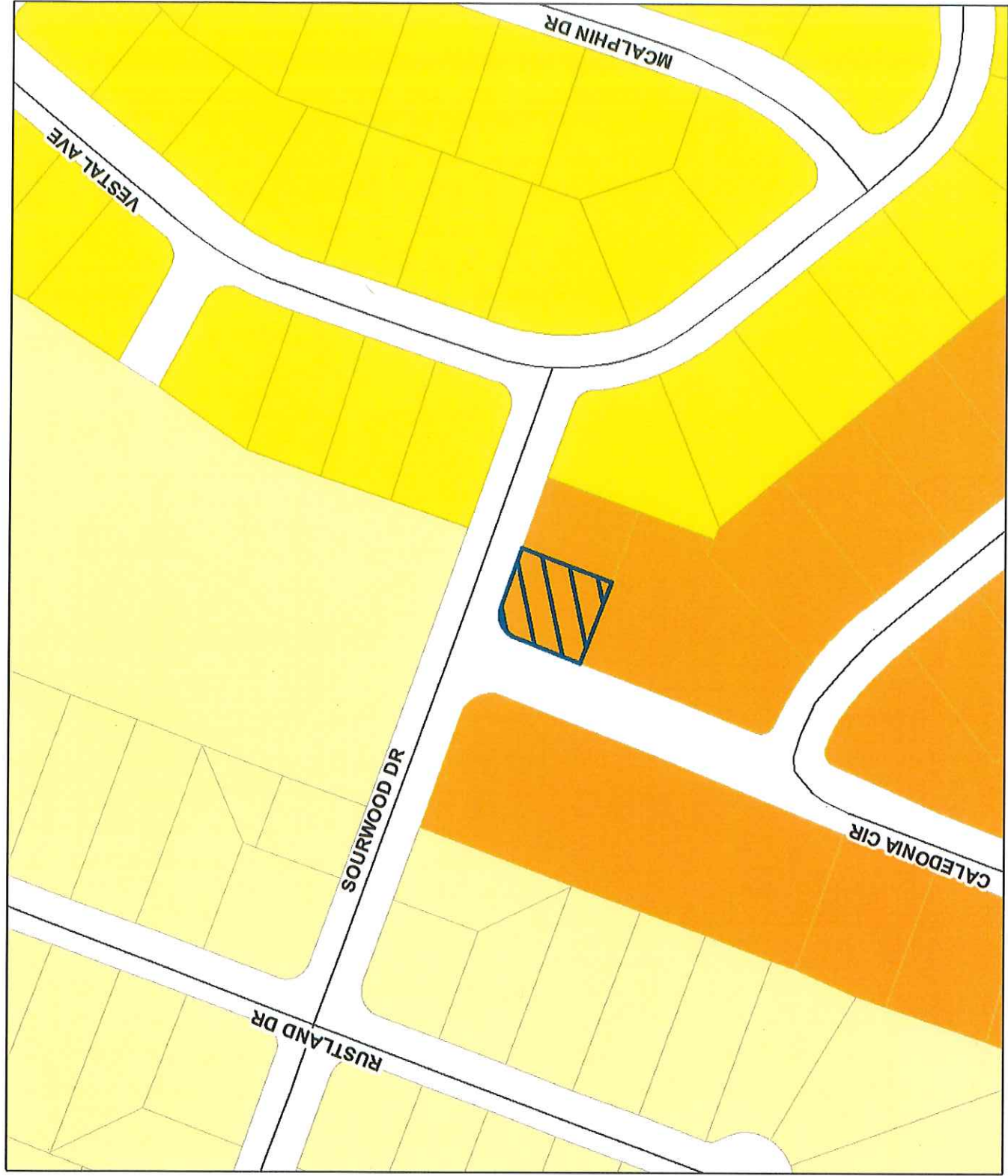
Pin:
0428-79-8304-

Acreage:
0.19 acres



Legend

-  A20-01F 2522 Sourwood Drive
-  MR-5 - Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



Land Use Map

Zoning Commission
01/14/2020

Case #: A20-01F

Request:
Variance Request
(Setback Reduction)

Location:
2522 SOURWOOD DRIVE

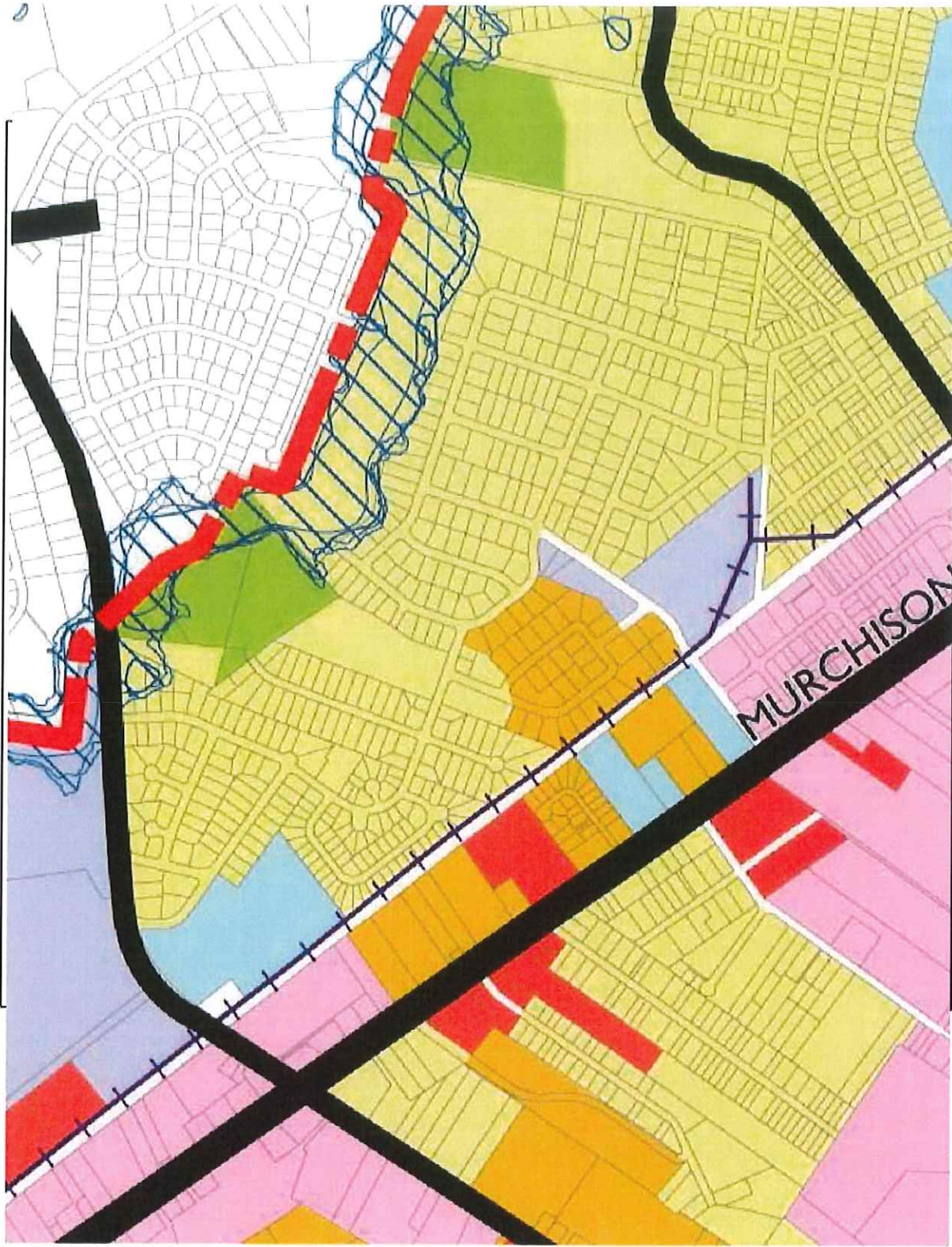
Pin:
0428-79-8304-

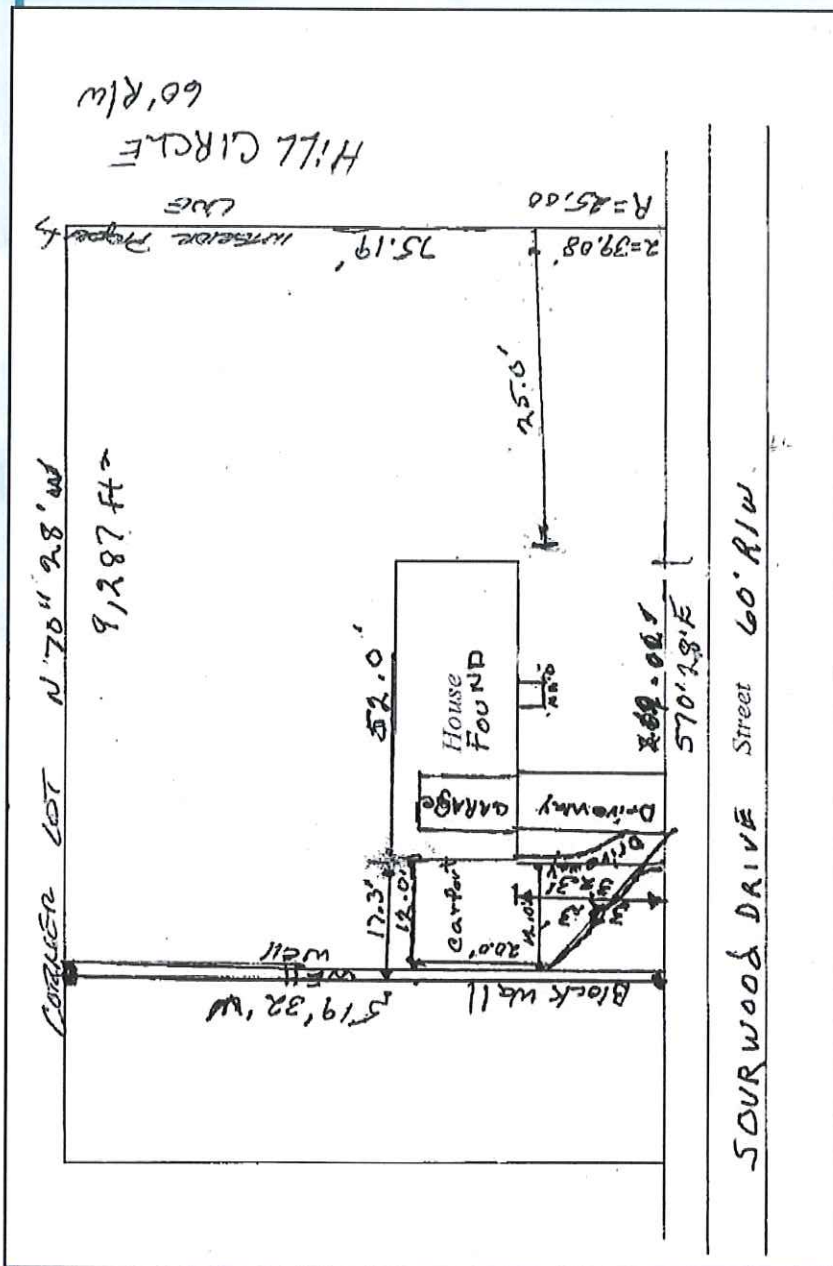
Acreeage to be Rezoned:
0.19 acres



Legend

- Primary Roads
- Floodplain
- Study Area
- Single-Family Residential
- Multi-Family Residential
- Mixed-Use
- Commercial
- Institutional
- Office/Industrial
- Parks/Open Space





Subject Property



P20-02F. Rezoning of two properties from Single-Family 6 (SF-6) to Limited Commercial (LC), located at 1410 Haywood Street, (Tax Map# 0447-40-6460 & 0447-40-6218) totaling 0.54 acres ± and being the properties of Kenneth Horne & Glenn Alphin (Represented by Joshua Walters). (Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO –Planner II

DATE: January 14, 2020

RE:

P20-02F. Rezoning of two properties from Single-Family 6 (SF-6) to Limited Commercial (LC), located at 1410 Haywood Street, (Tax Map# 0447-40-6460 & 0447-40-6218) totaling 0.54 acres ± and being the properties of Kenneth Horne & Glenn Alphin (Represented by Joshua Walters).

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan 2030:

2030 Goals, Goal II:

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The owner of Monkey Wrench Automotive requests to expand the existing auto repair business on two additional parcels.

Background:

These properties are located near the intersections of Hawood Street and Cedar Creek Road and Sapona Road and Cedar Creek Road. The subject properties total 0.54 acres ± on Tax Parcels # 0447-40-6460 & 0447-40-6218.

Applicant: Joshua Walters

Owners: Kenneth Horne & Glenn Alphin

Requested Action: Rezoning SF-6 to LC

Property Addresses: 1410 Haywood Street & Sapona Road.

Council District: 2

Status of Properties: Vacant - Undeveloped

Size: 0.54 acres +/-

Adjoining Land Use & Zoning:

- North: CC & LC – Gas Station & Auto Sales
- South: HI – Salvage Yard
- West: SF-6 – Single Family Housing
- East: CC – Cedar Creek Road & Auto Sales

Traffic Count: AADT 15,000 on Cedar Creek Rd

Letters Mailed: 12

2010 Land Use Plan: Medium Density Residential

The 2010 Land Use Plan and the Deep Creek Road Redevelopment Plans both cover this same area near Cedar Creek Road. The 2010 plan covered the entirety of Cumberland County. Hence, the plan contains some recommendations that are broad concepts applicable to all development in Cumberland County. The Deep Creek Road Redevelopment Plan covered an area near Deep Creek Road.

According to the 2010 plan, these properties should be used for medium density residential. However, rezonings in this area since the plan was adopted have altered the future vision along Sapona and Haywood roads.

The Deep Creek Road Redevelopment Plan did not call for any specific changes to these properties.

Issues/Analysis:

Since the 2010 Land Use Plan was adopted, many of the parcels surrounding these lots have been rezoned to higher intensity commercial and industrial districts. The rezoned properties are located to the north, east, and south of the subject properties. In addition, changes to the parcels have not been reflected as an update to the 2010 Land Use Plan.

The properties on two sides of the lots (east and south) are used and zoned for industrial uses. The commercial property to the north is a gas station. Only the property to the west is zoned and used for residential purposes.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Single-Family Residential 6 (SF-6) to Limited Commercial (LC).

The purpose of the LC zoning district is “intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood — e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores.”

It is important to note that the reclassification of land to a straight zoning district allows all of the business/office uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

The properties are within three study areas, the Corridor Land Use Study, the Deep Creek Redevelopment Plan, and the 2010 Land Use Plan. According to both the 2010 Land Use Plan and the Corridor Plan, the recommended zoning for these parcels is medium density residential. However, since the development of the 2010 Land Use Plan, many of the surrounding properties have been rezoned from residential to commercial and industrial districts.

The property in question is only half- of-an-acre; therefore, rezoning these properties to commercial would match the transition of properties to the west of Cedar Creek Road. The current zoning and land uses in this area do not reflect those adopted in the 2010 Land Use Plan.

The City Planning Staff recommends APPROVAL of the map amendment to LC based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to accommodate a wider range of moderate-intensity general retail, business, and service uses;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate according to the Unified Development Ordinance and map amendment/rezonings approved since the adoption of the 2010 Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to LC.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Recommended Action:

The Planning Staff recommends that the Zoning Commission move to APPROVE the rezoning to a Limited Commercial (LC) Zoning District, as presented by the Staff and based on the information provided above and all attachments.

- The Amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance supports commercial uses in this area; 2) the uses adjacent to this property on three sides are all commercial or industrial uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of most of the development in this area; and 4) the proposed zoning is harmonious with map amendments adopted after the implementation of the 2010 Plan.
- This proposed amendment is inconsistent with the 2010 Land Use Plan and corridor plan because the subject property is shown as a medium density residential use classification and the proposed zoning and uses is inconsistent with that classification. If approved by the City Council this map amendment would constitute an update to the current land use plan.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Properties
7. UDO Table of Uses

Project Overview

#346913

Project Title: Commercial Land Extension

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN:

- 1410 HAYWOOD ST (0447-40-6460-)
- 0 N/A N/A (0447-40-6218-)

GIS Verified Data

Property Owner: Parcel

- 1410 HAYWOOD ST: ALPHIN, W GLENN
- 0 N/A N/A: HORNE, W KENNETH

Acreage: Parcel

- 1410 HAYWOOD ST: 0.19
- 0 N/A N/A: 0.34999999999999998

Zoning District:

Subdivision Name: Parcel

- 1410 HAYWOOD ST: EAST BEND
- 0 N/A N/A: EAST BEND

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: LC

Acreage to be Rezoned: .54

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: wooded lot

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Heavy Industrial, Light Commercial, and Residential surround the property on all sides. The current zoning of the two parcels are residential but I am wanting to extend my parking lot from 214 Cedar Creek rd to the additional parcels indicated. I also want to have to ability to build an additional storage building in the near future.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: There is commercial property all around me and I want to be able to extend my automotive business to create more jobs and offer better business practices through expanding my business to serve others that have

automotive needs.

B) Are there changed conditions that require an amendment? : unknown

C) State the extent to which the proposed amendment addresses a demonstrated community need.: There is a huge need for honest and reliable automotive shops that do great work for an affordable price.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: Surrounding me are commercial properties and I need to rezone the properties I own to expand my automotive business therefore I would like to rezone to commercial.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: This district has a commercial district that is expanding, the logical thing to do is to allow businesses to develop adjoining properties into commercial zoning to increase job opportunities and revenue for the community.

F) State the extent to which the proposed amendment might encourage premature development.: There is no premature development

G) State the extent to which the proposed amendment results in strip-style commercial development.: I'm not even sure what strip-style development is unless your talking about strip malls which is not the case

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: This is not isolated zoning the surrounding zones are commercial

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: Adverse impacts??? If anything property value should begin to increase with the increase of development

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: There will be a removal of a few trees and woods that trash is dumped into and drug addicts leave paraphernalia in so again no adverse impact only positive impact

Primary Contact Information

Project Contact - Agent/Representative

Joshua Walters
MonkeyWrench Properties
6601 Bluman rd
Godwin, NC 28344
P:9103645671
lynx1669@gmail.com

Indicate which of the following project contacts should be included on this project:

Project Owner

Joshua Walters
MonkeyWrench Properties
6601 Bluman rd
Godwin, NC 28344
P:9103645671
lynx1669@gmail.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission
01/14/2020

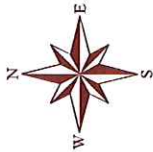
Case #: P20-02F

Request:
Map Amendment (Rezoning)
SF-6 to LC

Location:
1410 Haywood Street

Pins:
0447-40-6460
0447-40-6218

Acreage:
0.54 acres



Legend



PLANNING
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:



Zoning Map

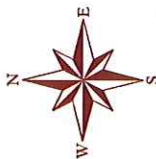
Zoning Commission
12/10/2019
Case #: P20-02F

Request:
Map Amendment (Rezoning)
SF-6 to LC

Location:
1410 Haywood Street

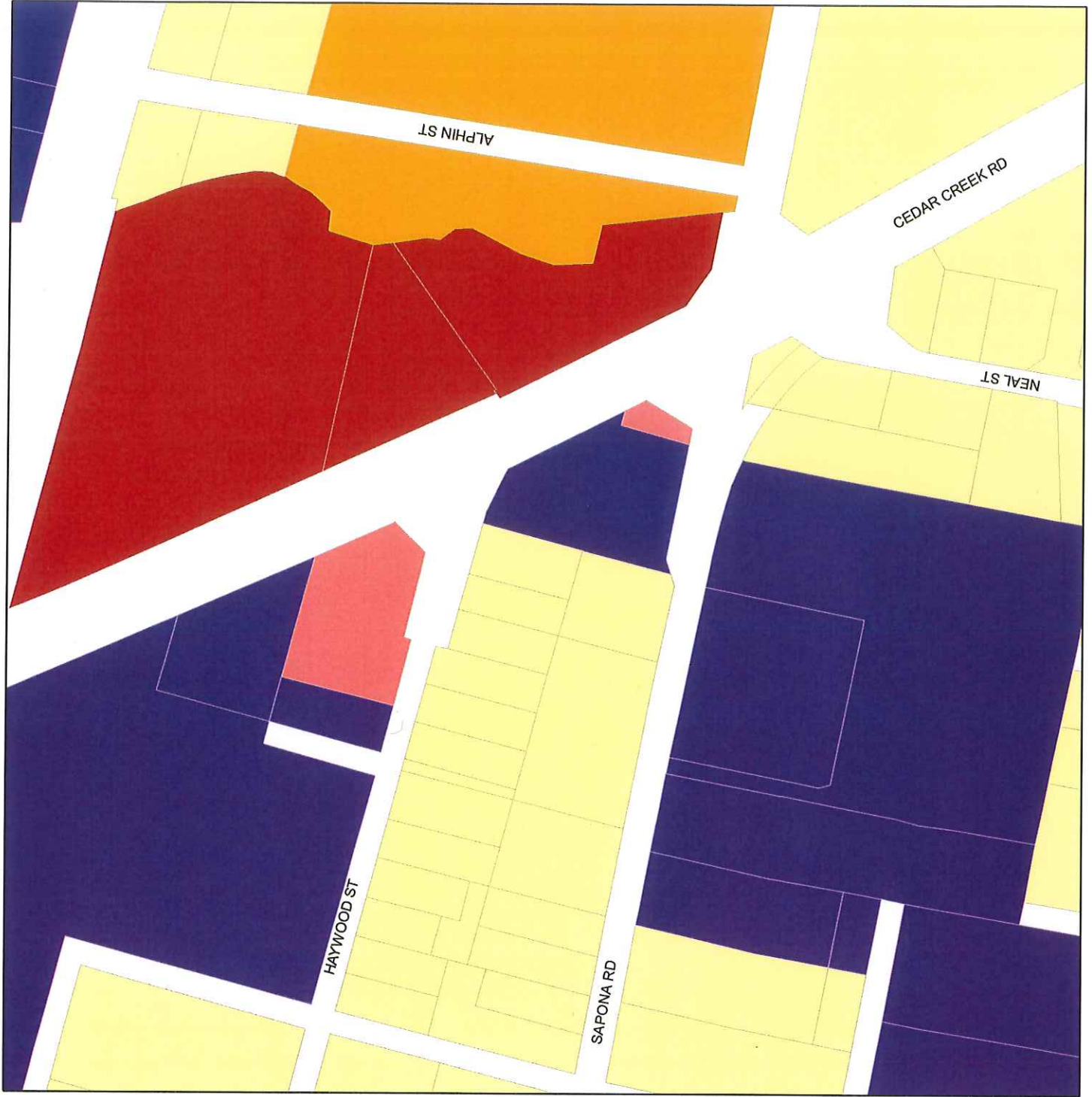
Pins:
0447-40-6460
0447-40-6218

Acreage:
0.54 acres



- Legend**
- Zoning District**
- CC - Community Commercial
 - HI - Heavy Industrial
 - LC - Limited Commercial
 - MR-5 - Mixed Residential 5
 - SF-6 - Single-Family Residential 6

City of
Fayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission
11/12/2019

Case #: P20-02F

Request:

Map Amendment (Rezoning)
SF-6 to LC

Location:

1410 Haywood Street

Pins:

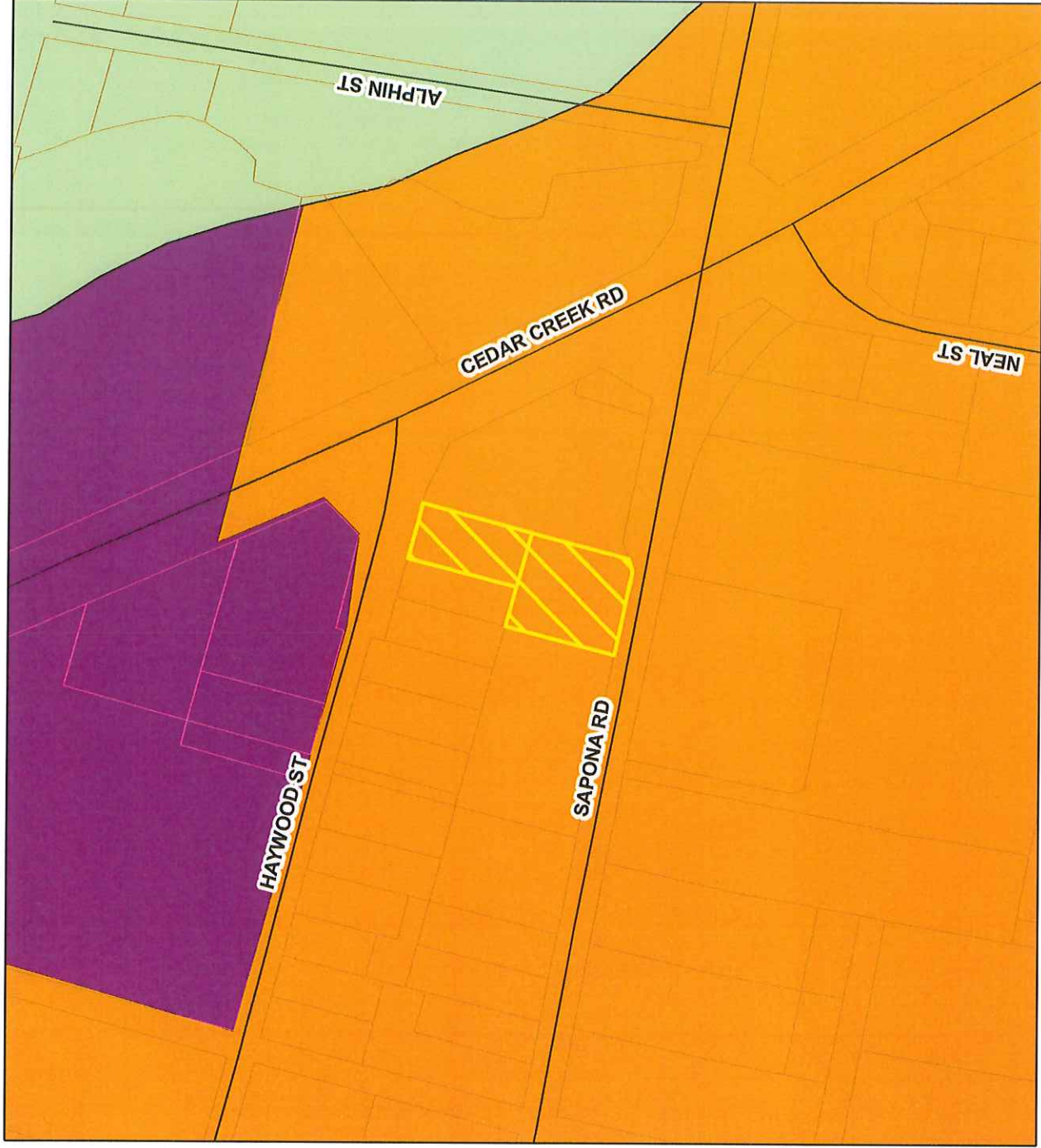
0447-40-6460
0447-40-6218

Acreage:

0.54 acres



City of
Fayetteville
North Carolina
PLANNING



Subject Property



Adjacent Properties



P20-03F. Request for a Special Use Permit to allow a halfway house to be located in an Office and Institutional (OI) zoning district, located on properties fronting Tally Ho Drive and Cain Road (Tax Map # 0428-03-9112 & 0428-12-0912) east of Bragg Blvd., containing 2.97± acre and being the property of VKC INVESTMENTS LLC, represented by Henry Tyson & Jonathan Charleston. (Craig Harmon)

ZONING COMMISSION

STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Craig M. Harmon, CZO – Planner II
DATE: January 14, 2020

RE:

P20-03F. Request for a Special Use Permit to allow a halfway house to located in an Office and Institutional (OI) zoning district, located on properties located at 901-905 Cain Road (Tax Map # 0428-03-9112 & 0428-12-0912) east of Bragg Blvd., containing 2.97± acre and being the property of VKC INVESTMENTS LLC, represented by Henry Tyson & Jonathan Charleston.

COUNCIL DISTRICT(S):

4 – DJ Haire

Relationship To Strategic Plan:

2024 Goals, Goal II: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The properties in question is currently undeveloped and zoned for Office and Institutional uses (OI). The owners of these properties are seeking a Special Use Permit (SUP) to allow a Halfway House.

According to the Unified Development Ordinance (UDO), Halfway House is defined as: a licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

Background:

Owner: VKC INVESTMENTS LLC
Applicant: Henry Tyson & Jonathan Charleston
Requested Action: SUP – Halfway House
Property Address: 901-905 Cain Road
Council District: 4 – DJ Haire
Status of Property: Undeveloped
Size: 2.97 acres +/-
Adjoining Land Use & Zoning:

North – SF-10 – Single Family Residential
South - CC – Auto Repair and Gas Station
West – SF-6 – Apartments
East – OI & SF-6 – Office & Single Family Residential

Letters Mailed: 99

Transportation: Annual Average Daily Traffic (AADT) 8,200 at the intersection of Cain Road and Shamrock Drive

Land Use Plan: Low Density Residential

Additional Reviews:

Technical Review Committee (TRC) – As of the date of this report, January 3, 2020, the TRC has not conducted a preliminary review of this application. A review will be conducted on January 8th. The results of that review will be forwarded to the Zoning Commission (ZC) prior to the ZC meeting.

Issues/Analysis:

Proposal

The subject property is zoned Office and Institutional (OI) and is located along a major corridor at the end of a commercial intersection that leads into a residential area.

According to the applicant, the proposed facility will be a community-based reentry program that will fit into and be involved in the life of the surrounding community. It will not be a secure detention facility such as a prison or a jail. The facility will house adult male and female Federal law offenders from the Eastern Federal Judicial District of North Carolina.

The staffing plan for this facility ensures consistent supervision for their residents. There will be 28 staff positions and supervisory coverage is provided 24 hours a day, seven days a week, 365 days a year. The plan for this facility exceeds the Federal Bureau of Prison Statement of Work (SOW) staffing requirements.

Residents of the facility are closely monitored & supervised by the staff. The residents of this facility are classified as "community custody level," which is the lowest custody level in the Federal Corrections system.

Surrounding Development

These properties represent the northern most point of commercially zoned property from the intersection of Cain Road and Bragg Boulevard. This commercial zoning extends approximately 300-feet further north than the commercial zoning on the east side of Cain Road.

While there is a major commercial corridor to the south, these properties are mostly surrounded by single-family and multi-family residential developments. To the west, or rear of this proposed development, is an apartment complex with approximately 80 units. These apartments do not have direct access to Cain Road. There are two residential developments to the east and to the north of these lots residential development stretches all the way to Pamalee Drive, which is eight tenths of a mile away.

Site/Building

As a Special Use, reasonable and related conditions can become part of any action to approve. The site will not be as densely developed as it could be under the existing O&I zoning. The entire site is approximately three acres, and the proposed developed site will incorporate only 1.6 acres. The site is heavily wooded, and the owner's intent is to develop the property maintaining as many existing trees as possible as well as planting new landscaping to meet the City's UDO. Storm water will be controlled on site with a water quality control basin.

The proposed building will be one-story, 14,339 square feet, and will cover less than 11% of the entire site. The building will be screened from adjacent residential zones with landscape buffers, plantings, and fencing as required by the City's UDO, as indicated on the attached Site Plan.

The parking & driveway area will be planted and screened with a commercial screening buffer per the UDO. According to the Site Plan, the developers look to preserve a 100-foot or greater wooded area between their facility and the single-family residential subdivision to the north. The combination of these elements will minimize any adverse effects on the adjacent properties.

Transportation

The owners state that this is a residential facility that does not create significant traffic loads or frequent delivery activities. The facility will have a private parking lot with 50 spaces, and will be constructed per the Off-Street Parking Standards for Halfway Houses listed in the City's UDO. Use of cars by the residents will be restricted and historically averages approximately 18-20% of residents have driving privileges at Dismas Charities facilities. The facility will not create adverse environmental impacts such as odors, noise, vibrations, etc.

Cain Road is classified as a minor arterial. The roadway has five lanes from Bragg Boulevard to Pamalee Drive. Minor arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher Arterial counterparts and offer connectivity to the higher Arterial system. In an urban context, they interconnect and augment the higher Arterial system, provide intra-community continuity and may carry local bus routes.

Ingress and egress to the site will be thru two access driveways constructed to City standards for two-way traffic. A North Carolina Department of Transportation permit will be obtained for the new driveways, if required by the State. These access points will allow dumpster pickup and deliveries to occur on site without impeding the public right-of-way. In general, Dismas Charities generates a low volume of traffic due to its residential use. Sidewalks will be constructed for pedestrian access and bike racks will be provided, per the UDO standards.

The site is centrally located providing easy access to bus stops (within 550 feet), proximity to the community college, numerous employment opportunities and access to commercial & social services.

Site Distance

The Unified Development Ordinance (UDO) requires a Special Use Permit to operate a halfway house in the OI District. The additional development standards for halfway houses are as follows:

A halfway house shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

These properties meet the one-half mile separation requirement, as illustrated on Exhibit 5. There are no operational group homes, therapeutic homes, halfway houses, or transitional housing in this area. The attached one-half mile separation map (Exhibit 5) shows two properties as having group homes in this area, but after checking with the North Carolina Department of Health and Human Services it was found that neither of these facilities is still in use (see attached letter Exhibit 6). The site has passed a separation check performed by the City of Fayetteville Planning and Zoning Division for a 0.5 mile separation radius from other similar facilities.

Staff recommended conditions:

1. Development must follow the attached site plan, unless a proposed element is in conflict with the City's UDO standards.
2. Add roof gables and façade treatments to the building design to better fit with the character of the adjacent residential neighborhood.
3. Preserve a 100-foot or greater wooded area between their facility and the single-family residential subdivision to the north to minimize any adverse effects on the adjacent properties.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

The proposed use meets the applicable standards. There are no other group homes, therapeutic homes, halfway houses, or transitional housing within 2,640 feet (approximately one-half mile) of these properties.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;

Yes, if conditioned as recommended, the property is surrounded by single-family residential, multi-family residential and heavy commercial. The property is zoned OI, which the UDO calls for as a buffer district between residential and commercial uses.

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

Yes, the proposed site plan would ensure that the project would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.

Ingress and egress to the site will be thru two access driveways constructed to City standards for two-way traffic. These access points will allow dumpster pickup and deliveries to occur on site without impeding the public right-of-way.

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

Yes, the proposed site plan would ensure that the project would minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The entire site is approximately three acres, and the proposed developed site will incorporate only 1.6 acres.

The site is heavily wooded, and the owner's intent is to develop the property maintaining as many existing trees as possible as well as planting new landscaping to meet the City's UDO. The building will be screened from adjacent residential zones with landscape buffers, plantings, and fencing as required by the City's UDO, as indicated on the attached Site Plan.

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

Yes, the proposed site plan would ensure that the project would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;

Yes, this property is located on a minor arterial with two proposed ingress and egress points.

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and

Yes, there has been no evidence presented that property values and the ability of neighboring lands to develop would negatively impacted.

(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

Yes, the applicant will be required to meet all applicable standards.

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The development of this use is allowed in the Office & Institutional (OI) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO and growth pattern of the area;
- The attached site plan, evidence provided by the developer and the conditions recommended above; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow a halfway house within the Office & Institutional (OI) District to operate on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in an Office & Institutional (OI) district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is March 5, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow a halfway house within the Office & Institutional (OI) District to operate on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #_____.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is March 5, 2020.

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Exhibits:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. One-half Mile Separation Map
6. North Carolina Department of Health and Human Services Verification Letter
7. Subject Property
8. Surrounding Property
9. Applicant Exhibits A - H

Project Overview

#349796

Project Title: 901-905 Cain Road Dismas Charities SUP

Jurisdiction: City of Fayetteville

Application Type: 5.3) Special Use Plan Review

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN:

- 0 N/A N/A (0428-12-0912-)
- 0 TALLY HO DR (0428-03-9112-)

GIS Verified Data

Property Owner: Parcel

- 0 N/A N/A: VKC INVESTMENTS LLC
- 0 TALLY HO DR: VKC INVESTMENTS LLC

Acreage: Parcel

- 0 N/A N/A: 2.2400000000000002
- 0 TALLY HO DR: 0.7299999999999998

Zoning District:

Subdivision Name: Parcel

- 0 N/A N/A: NOT APPLICABLE
- 0 TALLY HO DR: NOT APPLICABLE

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
The existing property is approximately 2.9 Acres of undeveloped land. The proposed use of the property is "Halfway House". Please see attached *Exhibit A - Detailed Statement Describing Dismas Charities Proposed Use, Exhibit G, & Exhibit H* for additional information.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: Adjacent property zoning designations:
North: R10 Single family residential; East: O & I, Office & Institutional and Single family residential; South: O & I, Office & Institutional; West: R6, high density residential and R10, single family residential. Please see attached *Exhibit B – Site Plan, Zoning Map, Photos*

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: These properties are currently zoned O&I, Office and Institutional. Section 30-4 of the City of Fayetteville Code of Ordinances allows for a Halfway House use as a use of right within the O&I zoning district with a Special Use Permit issued by City Council. See attached *Exhibit C - Zoning Determination Letter*.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: The proposed facility will be a community-based reentry program that will fit into and be involved in the life of the surrounding community. It will not be a secure detention facility such as a prison or a jail. The facility will house adult male and female Federal offenders from the Eastern Federal Judicial District of North Carolina. A professional, well-trained staff will operate the facility 24 hours a day, 7 days a week. The site is centrally located providing easy access to bus stops (within 550 feet), proximity to the community college, numerous employment opportunities and access to commercial & social services. The site has passed a separation check performed by the City of Fayetteville for a .5 mile radius. See *Exhibit D - Separation Requirements*.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: Dismas Charities Fayetteville is a residential facility that does not create significant traffic loads or frequent delivery activities. This will be a private parking lot with 50 spaces, and will be constructed per the Off Street Parking Standards for Halfway Houses. Use of cars by the residents is restricted and historically averages approximately 18-20% of residents have driving privileges. As a residential facility, Dismas Charities does not create adverse environmental impacts such as odors, noise, vibrations, etc.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The Dismas Charities facility will be set behind the building setback lines. The building is 1 story, and will be compatible with adjacent structures. The building will be screened from adjacent residential zones with landscape buffers, plantings, and fencing as required by the city zoning ordinance and indicated on the attached Site Plan. The parking & driveway area will be planted and screened with a commercial screening buffer per the city zoning ordinance. The combination of these elements will minimize any adverse effects on the adjacent properties.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: The site will not be as densely developed as the O&I zoning would allow. The entire is approximately 3 acres, and the proposed developed site will incorporate only 1.6 acres. With one 1-story building at 14,339 SF, the building will cover less than 11% of the entire site. The site is heavily wooded, and the owner's intent is to develop the property maintaining as many existing trees as possible, as well as planting new landscaping to meet the city zoning ordinance. Storm water will be controlled on site with a water quality control basin.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: Ingress & egress to the site will be thru two access driveways constructed to city standards for 2-way traffic. D.O.T. permit will be obtained for the new driveways will be obtained, if required by the State. The access will allow dumpster pickup and deliveries to occur on site and not impede the public right-of-way. In general, Dismas Charities generates a low volume of traffic due to its residential use. Sidewalks will be constructed for pedestrian access and bike racks will be provided.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: Dismas Charities constructs attractive, high-quality, commercial grade buildings and maintains them to the highest standards. The facilities are operated 24 hours per day/7 days per week by professional, well-trained staff. Residents are closely monitored & supervised and are classified as "community custody level" which is the lowest custody level in the Federal Corrections system. The Dismas Charities facility would be an asset to the community and would not negatively affect values or development potential of neighboring properties as permitted within the zoning district. See *Exhibit F - 3D Rendering of Proposed Facility Design*.

The special use complies with all other relevant City, State, and Federal laws and regulations.: The Dismas Charities project will be developed to comply with the City of Fayetteville Zoning Ordinances, the North Carolina Building Code, the Life Safety Code and will meet all relevant city, state, and federal regulations.

Primary Contact Information

Project Contact - Agent/Representative

Henry Tyson
Tyson Commercial Real Estate
23 Market Square
Fayetteville, NC 28301
P:9104833696
henry@tysoncommercial.com

Indicate which of the following project contacts should be included on this project: Attorney

Project Contact - Primary Point of Contact for the Attorney

Jonathan Charleston
The Charleston Group
201 Hay Street, 200
Fayetteville, NC 28301
P:9104852500
kharris@charlestongroup.com

Project Owner

Steve Vice
Dismas Charities Properties, Inc
2500 Seventh Street Road
Louisville, KY 40208
P:5026362033
svice@dismas.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission
01/14/2020

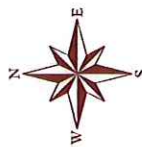
Case #: P20-03F

Request:
Special Use Permit
Halfway House

Location:
901-905 Cain Road

Pins:
0428-12-0912
0428-03-9112

Acreage:
2.97 acres



Legend

Streets



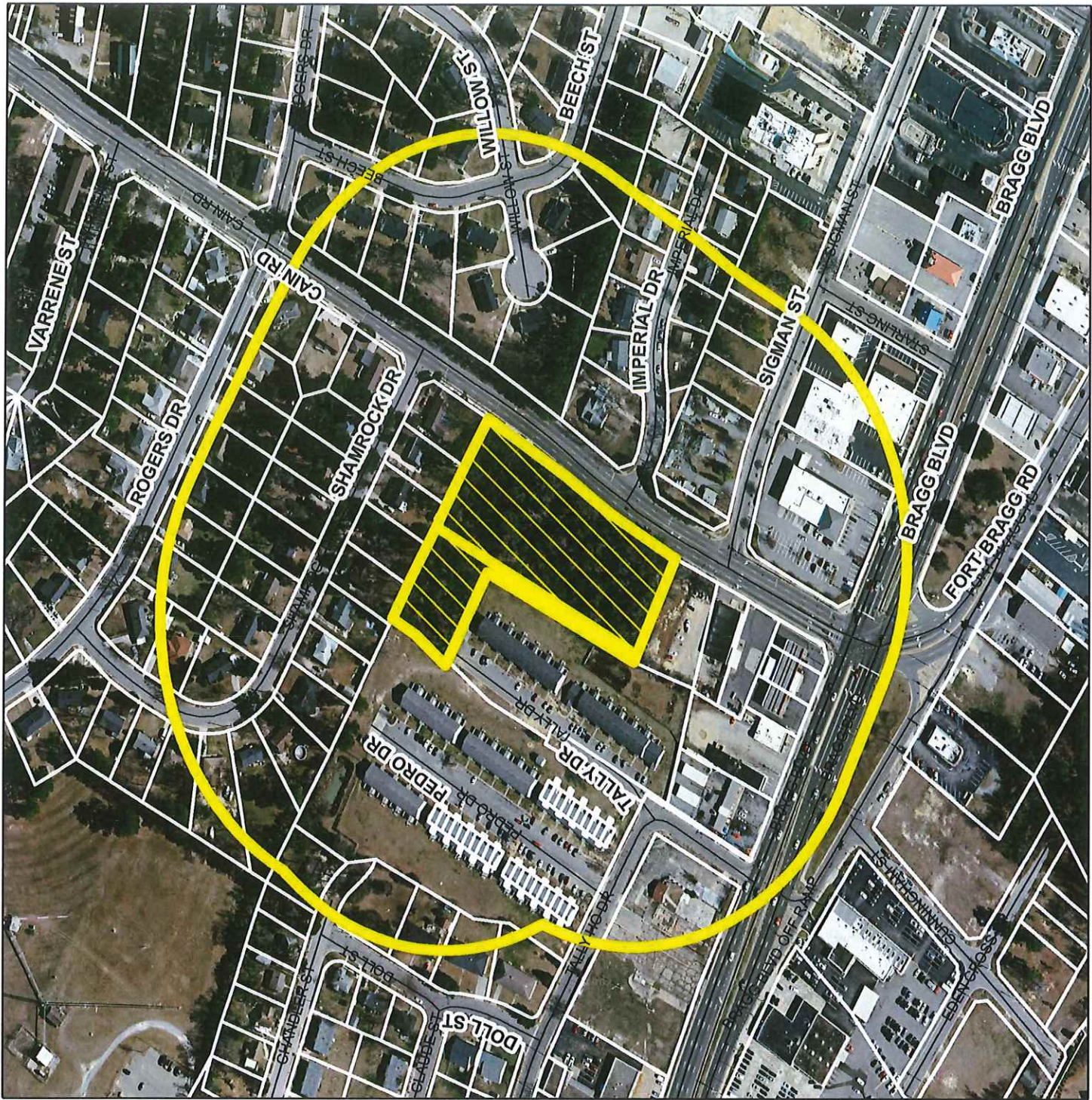
500' Notification Buffer

pubcofigis.DBO.Parcels

Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Zoning Commission
12/10/2019

Case #: P20-03F

Request:
Special Use Permit
Halfway House

Location:
901-905 Cain Road

Pins:
0428-12-0912
0428-03-9112

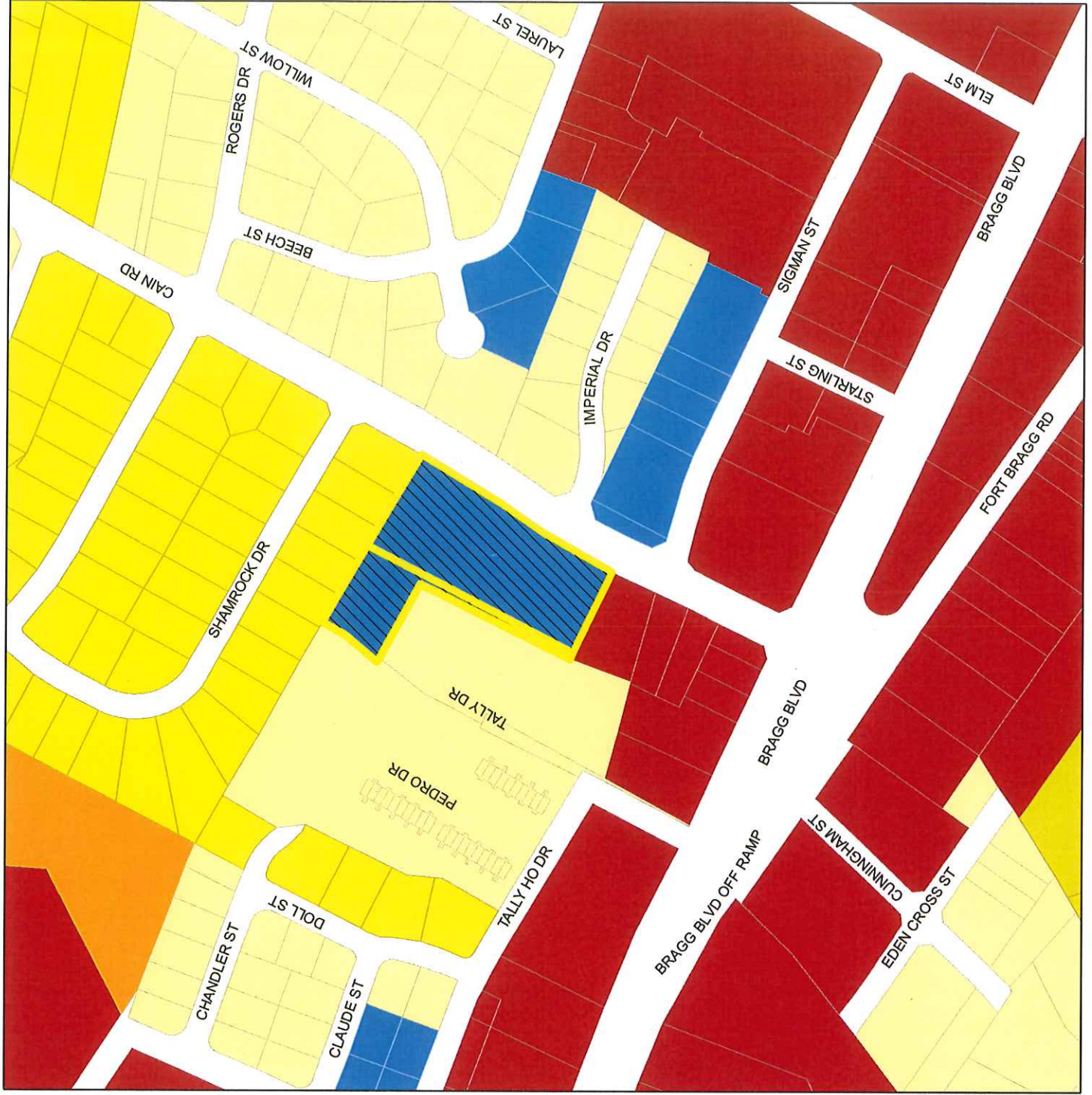
Acreage:
2.97 acres



Legend

Zoning District

- CC - Community Commercial
- MR-5 - Mixed Residential 5
- OI - Office & Institutional
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- SF-15 - Single-Family Residential 15



City of
Fayetteville
North Carolina
PLANNING

Land Use Map

Zoning Commission
11/12/2019

Case #: P20-03F

Request:
Special Use Permit
Halfway House

Location:
901-905 Cain Road

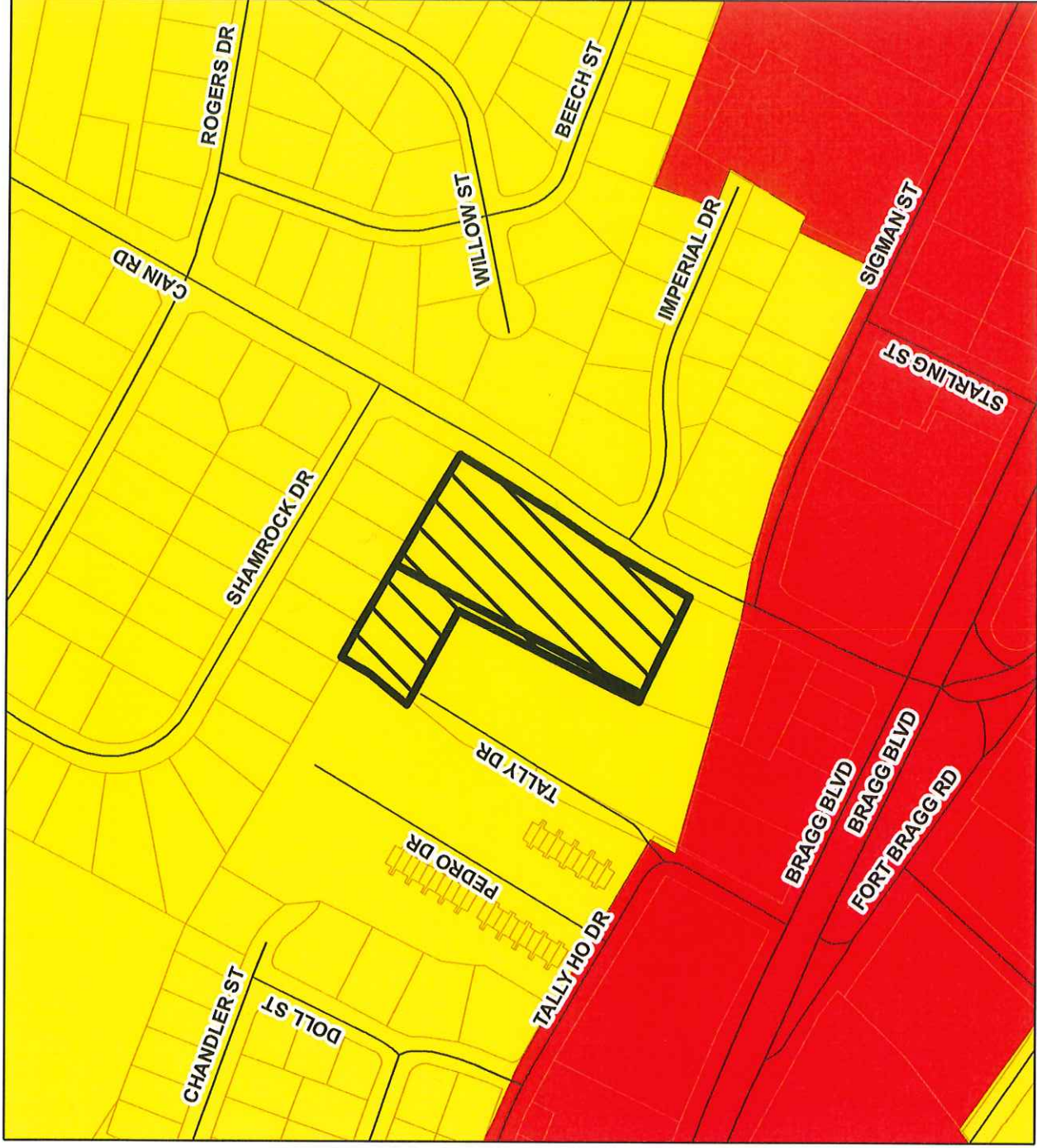
Pins:
0428-12-0912
0428-03-9112

Acreage:
2.97 acres

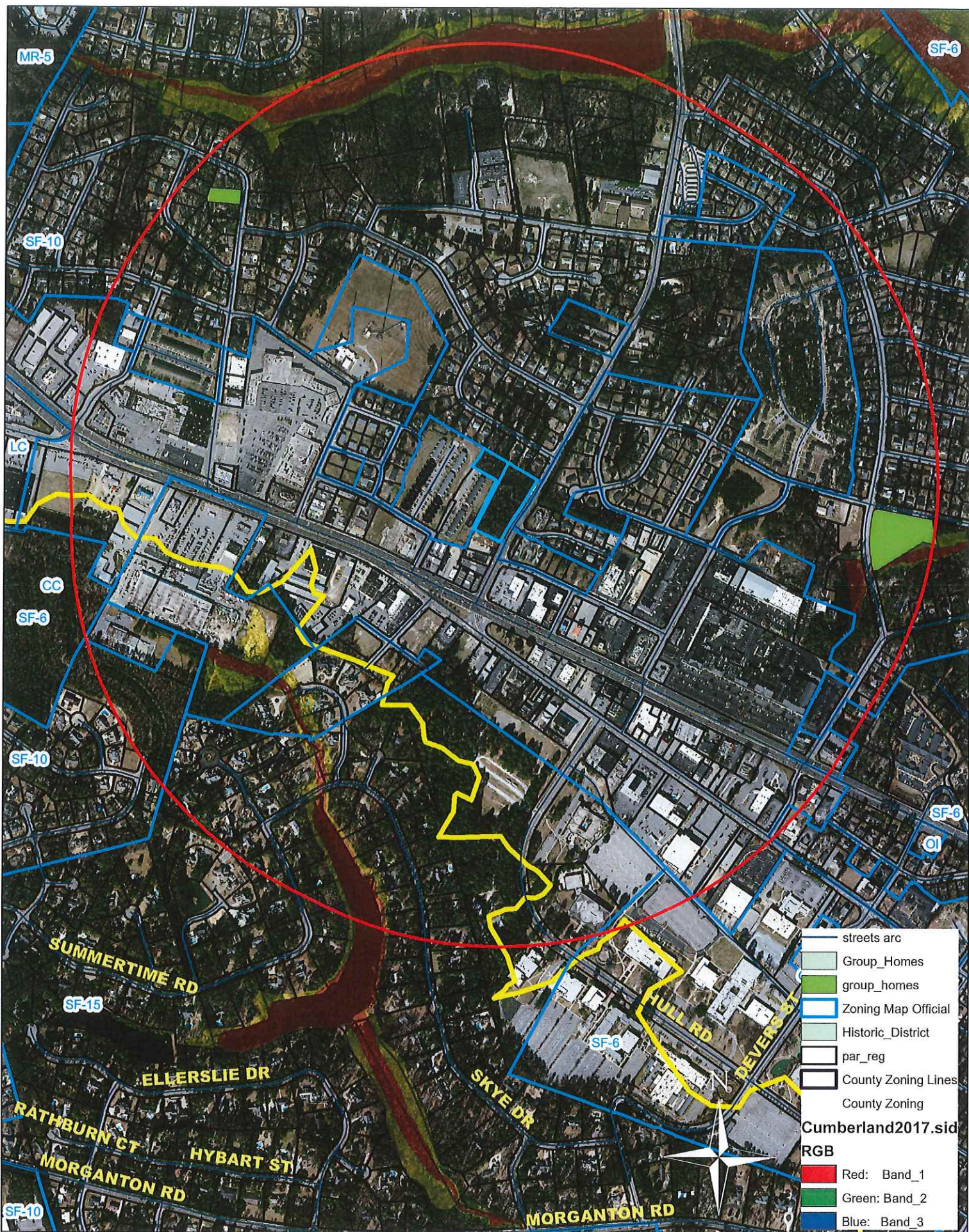


Legend

- Low Density Residential
- Heavy Commercial



City of
Fayetteville
North Carolina
PLANNING



Email from Group home division in Raleigh

Wed 11/13/2019 1:48 PM

Reeves, Danalouise V Danalouise.Reeves@dhhs.nc.gov

RE: Group Home Closings

Although both address are listed in our system, meaning at some point they applied for a license, neither has been licensed by Mental Health Licensure & Certification.

Danalouise Reeves

Administrative Specialist 1

Division of Health Service Regulation, Mental Health Licensure and Certification Section

North Carolina Department of Health and Human Services

Office: 919-855-3831

Fax: 919-715-8078

Danalouise.Reeves@dhhs.nc.gov

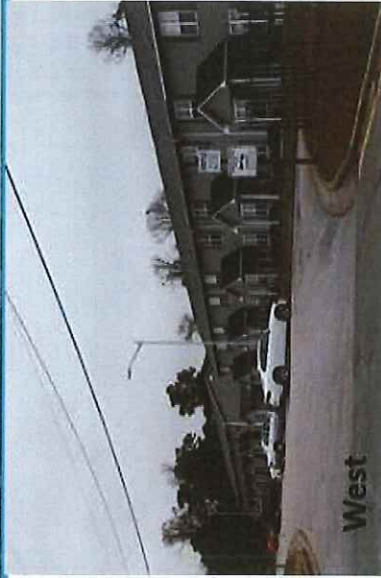
1800 Umstead Drive, Williams Building
2718 Mail Service Center
Raleigh, NC 27699-2718



Subject Property



Adjacent Properties





Special Use Permit Application Form

433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax # 910-433-1776

Submittal Date: 12/13/20 Approval/Denial Date: _____

Fee: \$700.00 (Cell Tower Fee \$2500) Received By: _____

Notes:

1. A pre-application conference is mandatory prior to submission of an application for a special use permit.
2. Applications for special use permits shall include the sketch plan from the pre-application conference or may include a site plan depicting the proposed special use.
3. Unless specified otherwise by the City Council, a Special Use Permit shall automatically expire if a Building Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance of the Special Use Permit, or if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year.
4. *Extension* - Upon written request submitted at least 30 days before expiration of the time period provided in accordance with Section 30-2.C.7.d.8.a above, and upon a showing of good cause, the City Manager may grant one extension not to exceed six months. Failure to submit a written request for an extension within the time limits established by this section shall result in the expiration of the Special Use Permit.

1. General Project Information

Project Address: 901 – 905 Cain Road, Fayetteville, NC 28303

Tax Parcel Identification Number: 0428-12-0912 and 0428-03-9112

Zoning District: O & I, Office & Institutional

Overlay zoning district(s): None

2. Written Description of Special Use

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.

The existing property is approximately 2.9 Acres of undeveloped land. The proposed use of the property is "Halfway House". Please see attached *Exhibit A - Detailed Statement Describing Dismas Charities Proposed Use, Exhibit G, & Exhibit H* for additional information.

B) Please provide a description of the zoning district designations and existing uses on adjacent properties, including across the street. (attach additional sheets if necessary)

Adjacent property zoning designations:

North: R10 Single family residential; East: O & I, Office & Institutional and Single family residential; South: O & I, Office & Institutional; West: R6, high density residential and R10, single family residential. Please see attached *Exhibit B – Site Plan, Zoning Map, Photos*.

3. Special Use Permit Justification. Answer all questions in this section (attach additional sheets as necessary).

A) Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.

These properties are currently zoned O&I, Office and Institutional. Section 30-4 of the City of Fayetteville Code of Ordinances allows for a Halfway House use as a use of right within the O&I zoning district with a Special Use Permit issued by City Council. See attached *Exhibit C - Zoning Determination Letter*.

B) Describe how the special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.

The proposed facility will be a community-based reentry program that will fit into and be involved in the life of the surrounding community. It will not be a secure detention facility such as a prison or a jail. The facility will house adult male and female Federal offenders from the Eastern Federal Judicial District of North Carolina. A professional, well-trained staff will operate the facility 24 hours a day, 7 days a week. The site is centrally located providing easy access to bus stops (within 550 feet), proximity to the community college, numerous employment opportunities and access to commercial & social services. The site has passed a separation check performed by the City of Fayetteville for a .5 mile radius. See *Exhibit D - Separation Requirements*.

C) Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.

Dismas Charities Fayetteville is a residential facility that does not create significant traffic loads or frequent delivery activities. This will be a private parking lot with 50 spaces, and will be constructed per the Off Street Parking Standards for Halfway Houses. Use of cars by the residents is restricted and historically averages approximately 18-20% of residents have driving privileges. As a residential facility, Dismas Charities does not create adverse environmental impacts such as odors, noise, vibrations, etc.

D) Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

The Dismas Charities facility will be set behind the building setback lines. The building is 1 story, and will be compatible with adjacent structures. The building will be screened from adjacent residential zones with landscape buffers, plantings, and fencing as required by the city zoning ordinance and indicated on the attached Site Plan. The parking & driveway area will be planted and screened with a commercial screening buffer per the city zoning ordinance. The combination of these elements will minimize any adverse effects on the adjacent properties.

E) Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

The site will not be as densely developed as the O&I zoning would allow. The entire is approximately 3 acres, and the proposed developed site will incorporate only 1.6 acres. With one 1-story building at 14,339 SF, the building will cover less than 11% of the entire site. The site is heavily wooded, and the owner's intent is to develop the property maintaining as many existing trees as possible, as well as planting new landscaping to meet the city zoning ordinance. Storm water will be controlled on site with a water quality control basin.

F) Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.

Ingress & egress to the site will be thru two access driveways constructed to city standards for 2-way traffic. D.O.T. permit will be obtained for the new driveways will be obtained, if required by the State. The access will allow dumpster pickup and deliveries to occur on site and not impede the public right-of-way. In general, Dismas Charities generates a low volume of traffic due to its residential use. Sidewalks will be constructed for pedestrian access and bike racks will be provided.

G) Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.

Dismas Charities constructs attractive, high-quality, commercial grade buildings and maintains them to the highest standards. The facilities are operated 24 hours per day/7 days per week by professional, well-trained staff. Residents are closely monitored & supervised and are classified as "community custody level" which is the lowest custody level in the Federal Corrections system. The Dismas Charities facility would be an asset to the community and would not negatively affect values or development potential of neighboring properties as permitted within the zoning district. See *Exhibit F - 3D Rendering of Proposed Facility Design*.

H) The special use complies with all other relevant City, State and Federal laws and regulations

The Dismas Charities project will be developed to comply with the City of Fayetteville Zoning Ordinances, the North Carolina Building Code, the Life Safety Code and will meet all relevant city, state, and federal regulations.

4. Submittal Requirement Checklist

(Submittals should include 2 copies of listed items, unless otherwise stated.)

<input checked="" type="checkbox"/>	Pre-application Conference completed
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	Completed site plan (information required includes parking, ingress, egress, fencing, play areas, setbacks, square footage of building, landscaping, etc.)
<input checked="" type="checkbox"/>	Special Use Permit Application Form
<input type="checkbox"/>	Vested Rights Certificate (if requested)
<input checked="" type="checkbox"/>	Copy of recorded deed – See Exhibit E – Recorded Deed
<input type="checkbox"/>	Copy of an approved Certificate of Appropriateness (COA) if located within the HLO
<input checked="" type="checkbox"/>	Proposed or existing development name (if different from project name) – Dismas Charities Fayetteville
<input type="checkbox"/>	Traffic impact analysis (if required)
<input type="checkbox"/>	Any additional information determined to be necessary by the Development Services Department

5. Primary Point of Contact Information for the Pre-application Conference

Primary Point of Contact Name:	Henry C. Tyson		
Mailing Address:	23 Market Square, Fayetteville, North Carolina 28301	Fax No.:	(910) 323-8683
Phone No.:	(910) 584-5505	Email:	henry@tysoncommercial.com

6. Owner Information

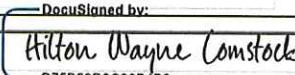
Owner Name:	VKC Investments, LLC c/o H. Wayne Comstock			
Mailing Address:	2545 Ravenhill Road, Suite 106, Fayetteville, NC 28303	Fax No.:	N/A	
Phone No.:	910-977-4576	Email:	wayne@cvcpcas.com	
Signature:	 <small>D75B59D8C93B4B9...</small>		Date:	December 13, 2019

Exhibit A - Detailed Statement Describing Dismas Charities Proposed Use



DISMAS CHARITIES, INC.

Dave Steinmetz, Chief Zoning Administrator
Planning and Code Enforcement Services
433 Hay Street | Fayetteville, NC 28301-5537
Office: 910.433.1705
Fax: 910.433.1588
E-mail: dsteinmetz@ci.fay.nc.us

December 12, 2019

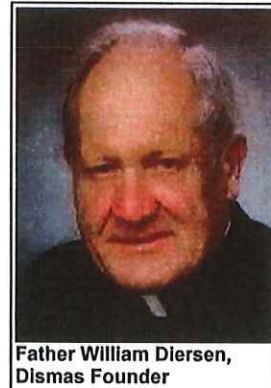
RE: Detailed Statement Describing Dismas Charities' Proposed Use

Mr. Steinmetz, Mr. Freeman and Whom It May Concern:

The following information is provided as background for the City's consideration of a Special Use Permit for our proposed Residential Reentry Center (RRC), *Dismas Charities Fayetteville (DCF)*, located at 901-905 Cain Road, Fayetteville, NC 28303:

1. **Dismas Charities Background and Qualifications.** Dismas Charities, Inc., headquartered in Louisville, KY, was founded in 1964 in Louisville, Kentucky by Catholic priest, Father William Diersen. Our purpose is to assist offenders to successfully re-integrate into their home communities, following release from prison. Our programs are called Residential Reentry Centers. Our mission is "Healing the Human Spirit" and through this mission, Dismas seeks to minimize further victimization. Additionally:

- Dismas bids competitively on contracts to provide services to offenders. The Fayetteville contract is part of a Federal Bureau of Prisons' solicitation to provide services to offenders from the Eastern Federal Judicial District of North Carolina who are returning to the area following their period of incarceration.
- Dismas Charities is a not-for-profit, 501(c)3 organization. We invest in our staff, our facilities, programs for our residents and service to the communities where our programs are located. We do not have shareholders or private equity ownership as for-profit reentry providers do.
- We have provided Residential Reentry Center (RRC) services since 1964. We have provided these services for the Federal Bureau of Prisons since 1972 and have provided these services in nearby Greensboro, NC since November 2003.
- We operate 35 programs in North Carolina, West Virginia, Georgia, Kentucky, Iowa, Texas, Alabama, Florida, Arizona, Mississippi, Tennessee, Nebraska and New Mexico.
- We consistently achieve high performance ratings from the Federal Bureau of Prisons at all of our federal RRCs and from the Kentucky Department of Corrections for our state programs.



Father William Diersen,
Dismas Founder



Dismas constructed our Kearney, NE (above) and 11 other new facilities using our project delivery plan for new construction. Our plan for Dismas Charities Fayetteville will use the same proven methods of performance.

This data or information is considered confidential or privileged and not subject to mandatory disclosure under FOIA

2. **Statement of Work.** The Federal Bureau of Prisons requirements for the provision of Residential Reentry Center and Home Confinement services in State of North Carolina are specified in detail in the Statement of Work (SOW). The SOW is available on the Federal contracting website Beta.SAM.gov at https://beta.sam.gov/opp/2f032f438607df4ad5886c8b6601b174/view?keywords=&sort=-modifiedDate&index=opp&is_active=true&page=3&naics=623990. Key information is primarily provided in the following Chapters from the SOW:

- Chapter 2 – Personnel
- Chapter 10 – Programs
- Chapter 11 – Security and Accountability

3. **Additional Information.**

Overview. Along with supervision, housing, food and medical services, the facility will provide programs designed to assist offenders in returning to their home communities as law-abiding, self-sufficient, contributing members. These programs include individual program planning, employment assistance, housing assistance, family re-unification, financial responsibility and money management, and drug and alcohol surveillance and testing. The program also provides referral to existing community and mental health resources and services which helps establish a network of support for the residents upon their discharge. Most of the residents in the RRC are required to work as a condition of their residence. This allows them to support their families, pay restitution, fines, taxes and part of the cost of their incarceration. Staff will closely monitor movement of residents in and out of the facility; and, the facility will also have an effective system of accountability for residents assigned to work and educational release, furloughs and other temporary absences from the facility.

Staffing Plan. Dismas' proposed staffing plan ensures a safe facility, consistent supervision and effective programs for our residents, our staff and the Fayetteville community. Our plan includes 28 staff positions. Staff and supervisory coverage is provided 24 hours a day/ 7 days a week/ 365 days a year. The plan exceeds Federal Bureau of Prison *Statement of Work* (SOW) staffing requirements.



In January 2019, over 80 Dismas senior management staff members including our DCA Regional Vice President and Director attended the annual Leadership Conference held at our Louisville, KY Headquarters. The next annual Leadership Conference will be held in January 2020.

Residents. Federal residents at the RRC will come from two sources: those who are transferred from a prison to the RRC for pre-release programming, and those under supervision of the U. S. Probation Office for whom residence at the RRC is a condition of supervision. Nationwide, the average RRC placement is three to four months in length, although longer placements are sometimes made. Our proposed RRC will accommodate the 84 (72 male and 12 female) in-house residents and 50 home confinement placements required by the BOP solicitation. These numbers reflect the BOP's best estimates at this time. However, the proposed site will be able to accommodate up to 100 in-house residents and the BOP may exceed its original estimates if there is an unanticipated need for additional services in this area. In-house residents live at the RRC. Home confinement placements are permitted to live at approved residences in the community.

They are still under supervision by RRC staff, are required to report to the facility on a regular basis and are required to participate in appropriate accountability and program activities.

Personnel Resources. Dismas Charities, Inc. believes our staff members are our most important resource. Dismas Charities Fayetteville will be an equal opportunity employer which recruits, hires and trains staff without regard to race, color, religion, gender, sexual orientation, national origin, age, handicap or veteran status. Dismas currently employs over 830 staff members nationwide. Of these staff members, approximately 70% are Non-White (Hispanic, African-American, Asian, American Indian, and Pacific Islander), 54% are female and 10% are veterans and 3% are Disabled Veterans. DCF staff will be required to adhere to written policies and procedures regarding standards of employee conduct, conflict of interest, ethics and responsibility. Additionally:



Training on operational issues is incorporated in monthly facility staff meetings as shown above at Dismas Charities Montgomery (AL).

- Our successful retention program is founded on professional recruiting, effective training, positive morale, competitive salary and benefits, and career advancement opportunities. We have had the same President/CEO, Raymond J. Weis, and Executive Vice President/Chief Operating Officer, Jan M. Kempf, for over 38 years. Both have operated correctional programs.
- Currently, Regional Vice President Cathy Bellew will be responsible for operational oversight and contract compliance at DCF. She has over 39 years of experience in criminal justice programs and 13 as Regional Vice President.
- Dismas has an established Employee Training Program which includes specialized training in resident assessment, accountability and management and other topics. The training is provided using a combination of classroom instruction and on-the-job training. During their first year, staff receive orientation training as well as annual training. During subsequent years, all staff receive refresher training.
- All staff must undergo extensive criminal background and reference checks and be approved to work by the Federal Bureau of Prisons.

Accountability. Dismas Charities Fayetteville (DCF) will provide a comprehensive Offender Accountability Program that provides a secure and structured environment for residents and staff while safeguarding the community. A system of written policies, procedures and controls guide staff in security inspections and in locating and verifying the whereabouts of residents at all times including when they are in the facility, in the community or on home confinement supervision. The program controls the introduction of contraband; ensures facility security and good order; prevents escapes; maintains sanitary standards, and eliminates fire and safety hazards. Residents are tested both randomly and on a scheduled basis for the use of drugs and alcohol. Our residential program will be monitored closely by site visits from Federal Bureau of Prisons staff, as well as Dismas' own, Quality Assurance Division staff. Dismas policies, procedures and practices for security and accountability meet or exceed all applicable requirements of our contract.

Programming. Dismas Charities Fayetteville (DCF) will provide opportunities for self-improvement, motivation and successful community reentry. Programs are designed to help residents meet guidelines and establish goals based on their individually assessed needs. DCF staff, volunteers and community partner agencies will provide all programs and services that meet or exceed contract requirements. DCF will use a 3 Component System which tracks

resident adjustment to program requirements and accomplishment of individual goals. As a resident achieves their goals, they advance to the next program Component. DCF will offer a comprehensive Employment Assistance Program using a combination of direct assistance and community referrals. For residents, who are not employment-ready, specific employment alternatives include educational services, vocational training, mental health treatment and volunteering/community service. Additional required programs and services provide for our residents include *Residence Development, Financial Responsibility, Community Treatment Services, Visitation/Family Reunification, Recreation, Religious Activities, Food Service, Medical Services and Release Planning & Preparation.*

Community Relations and Support. Our Development Team is reaching out to Federal, State and local government officials, business, and community organizations to discuss Dismas' mission and our proposed project, obtain support for our proposed site, and confirm available community resources.

- Dismas will notify by direct contact and/or by certified letter the following City of Fayetteville and North Carolina Congressional Delegation officials of our mission, project and proposed site: Fayetteville Mayor Mitch Colvin, Fayetteville District 4 Councilmember D.J. Haire, Fayetteville Police Chief Gina V. Hawkins, US Senator Richard Burr, US Senator Thom Tillis, NC 8th District US Congressman Richard Hudson
- Dismas centers also develop volunteer programs and partnerships with outside community and social service agencies to provide programs and services in-house as well. Specific programs for Fayetteville will be based upon the assessed needs of the resident population and the available community resources. Our extensive, confirmed network of resources in nearby Greensboro includes over 25 community agency partners.
- DCF will establish an active Community Relations Board (CRB) within 90 days of performance start. Our CRB in nearby Greensboro has over 50 members. The CRB will meet regularly to help involve the community in the center's mission and activities. We will recruit community leaders, law enforcement officials, social service agencies, employers and neighbors.
- As part of our community outreach, staff will actively cultivated partnerships with local employers. In nearby Greensboro, over 1000 businesses have hired our residents.
- Like our other existing centers, our DCF residents and staff will provide volunteer services to the Fayetteville community based on the needs of the Fayetteville community. From 2005 - 2015, Dismas employees and residents donated 5.09 million hours of community service in 140 service sites across the country.



In April 2018, DCG Director Diarra King (left) met with Greensboro Mayor Nancy Vaughn (right) to discuss DCG's collaboration with the Greensboro Police Department and IRC to host an Offender Job Fair in June 2018. Mayor Vaughn has provided letter of support for the RRC.

Parking, Transportation and Traffic. The attached sketch Site Plan shows on-site parking as required by the City of Fayetteville *Unified Development Ordinance*. In fact, based on our extensive experience at our existing 35 facilities, approximately 18-20% of our RRC residents will use private vehicles. The rest will use public or other means of transportation. *Fayetteville Area System of Transit (FAST) Bus Route 14* stops approximately 550 feet from our proposed RRC site in front of the CVS at the Bragg Blvd/Cain Road designated stop. A small number of

residents may ride bicycles or walk, when feasible. Additionally RRC staff will provide supplemental transportation, if needed, to meet specific program requirements.

Thank you for the opportunity to provide information about our proposed use.

Sincerely,

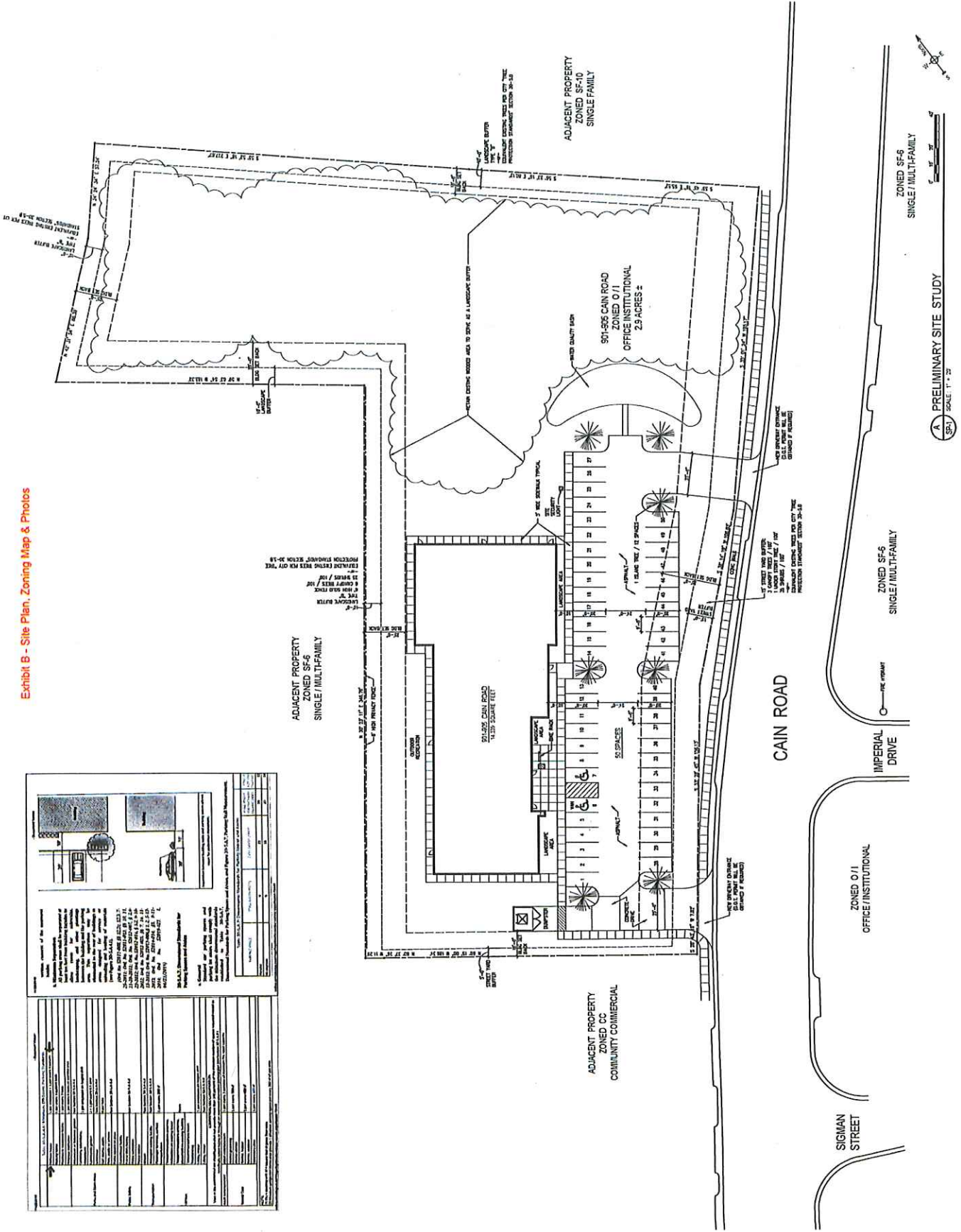
A handwritten signature in black ink, appearing to read "Raymond J. Weis". The signature is fluid and cursive, with the first name "Raymond" and last name "Weis" clearly distinguishable.

Raymond J. Weis, President/CEO
Dimas Charities, Inc.
2500 Seventh Street Road
Louisville, Kentucky 40208
Office: 502-636-2033 X 1303
Fax: 502-636-0333
Email: rweis@dismas.com
DUNS: 077852341

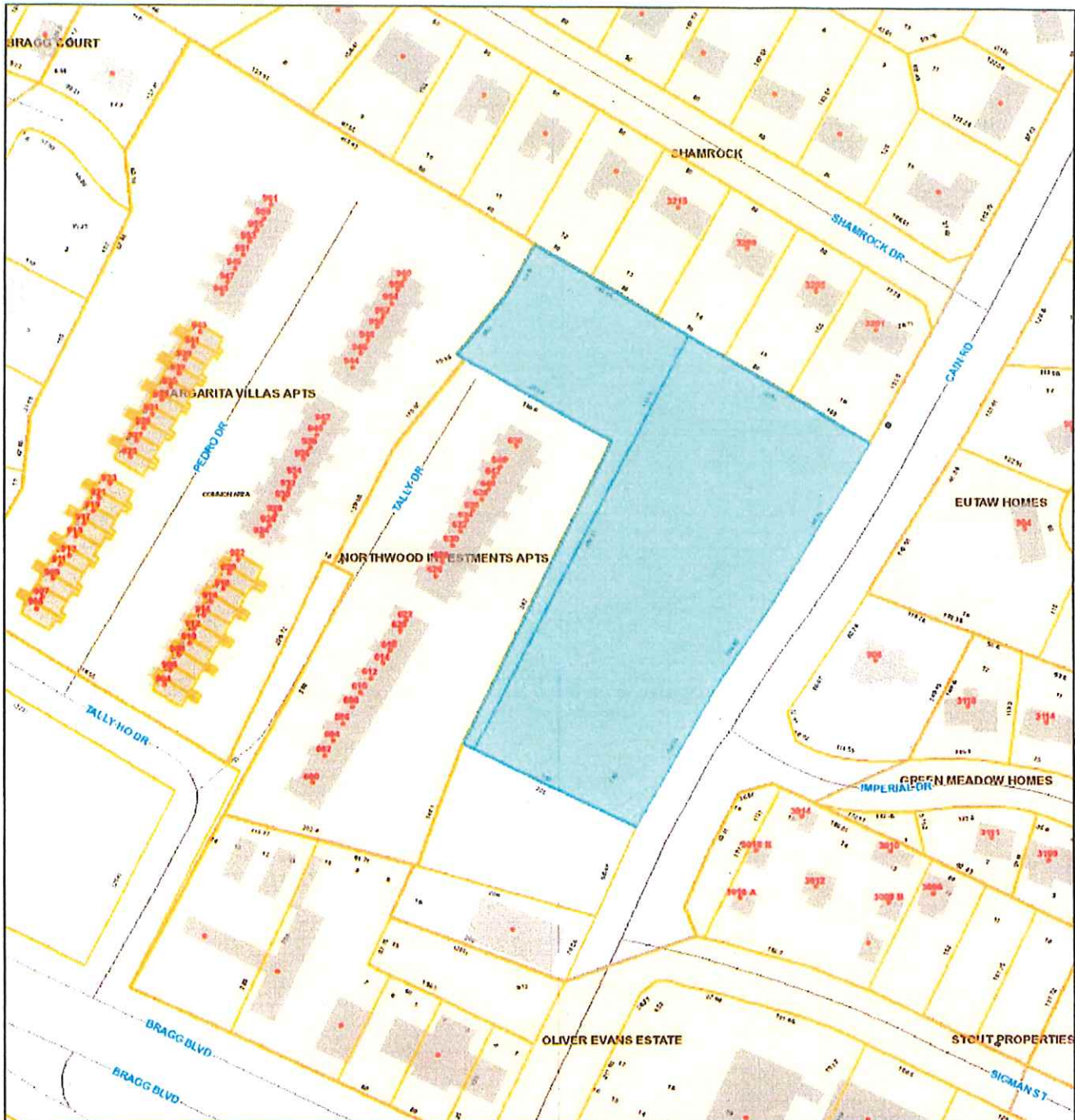
RJW/ssv

Item	Description	Quantity	Unit	Price	Total
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3	Site Plan	1	Sheet	100.00	100.00
4	Site Plan	1	Sheet	100.00	100.00
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100	Site Plan	1	Sheet	100.00	100.00

Exhibit B - Site Plan, Zoning Map & Photos



ArcGIS Web Map



11/1/2019, 3:22:23 PM

• Address

Parcels

Override 1

Parcels

Buildings

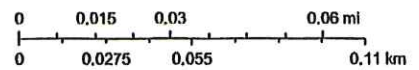
Street_Centerlines

HydroPolygons

HydroPolygons

Subdivisions-MHPS

1:1,500

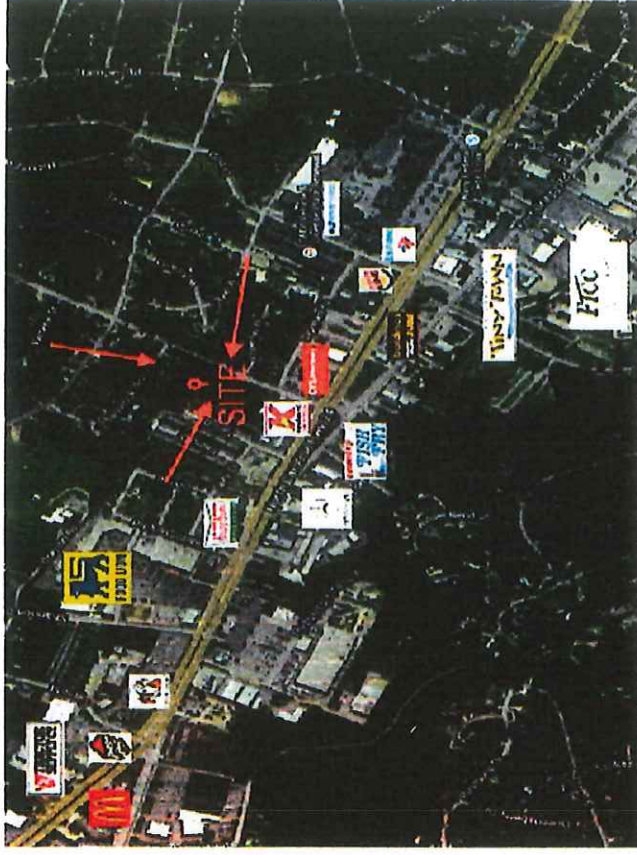


901-905 Cain Rd
901-905 Cain Rd, Fayetteville, NC 28303

Property Photos



Primary Photo



Other

Exhibit C- Zoning Determination

Steve Vice (Corp)

From: David Steinmetz <Dsteinmetz@ci.fay.nc.us>
Sent: Tuesday, July 23, 2019 10:03 AM
To: Henry Tyson; Gerald A. Newton
Cc: Steve Vice (Corp)
Subject: RE: [EXTERNAL]RE: [EXTERNAL]Fayetteville NC Site Location Discussion

Based on the information provided, your operation would be considered halfway house. The use is permitted, with a special use permit in **MR-5**, Mixed Residential, **O&I**, Office and Institutional, **LC**, Limited Commercial, **CC**, Community Commercial, **MU**, Mixed Use and **DT**, Downtown with following additional requirements:

A halfway house shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation).

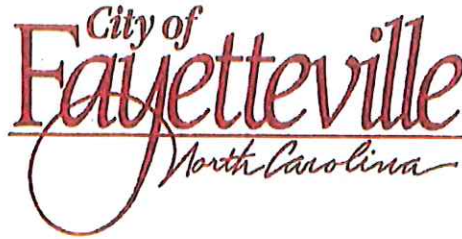
The special use permit (SUP) process is a two public hearing process (Zoning Commission and City Council) that takes about 3 months. If you contact the Planning Department at 910-433-1612, a planner will be assigned to your case and take you through the SUP process.

If you have further questions of me, feel free to contact me as needed.

Halfway House

A licensed home for juveniles or adult persons on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents back into society, enabling them to live independently.

Exhibit D - Separation Requirements



DEVELOPMENT SERVICES

December 3, 2019

Re: Halfway House

To whom it may concern:

This notice is concerning parcel identification numbers 0428-12-0912 and 0428-03-9112 located within the City of Fayetteville. These properties are currently zoned O&I, Office and Institutional. Section 30-4 of the City of Fayetteville Code of Ordinances allows for a Halfway House within the O&I zoning district with a Special Use Permit issued by City Council and the following requirements: A halfway house shall be located at least 2,640 feet (approximately one-half mile) from any other group home, therapeutic home, halfway house, or transitional housing if located in a residential zoning district. If located in a business zoning district, the 2,640-foot separation standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics (including proximity to social services and public transportation). Recently this office performed a separation check that revealed there are currently no like facilities within 2,640 feet of the location in question. The approval for the separation check is good for 60 days from 11-15-2019.

For information on the Special Use Permit process contact the City of Fayetteville Planning Department at 910-433-1612

If you have any questions concerning this matter feel free to contact our office at 910-433-1705.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Steinmetz", with a long horizontal line extending to the right.

Dave Steinmetz
Chief Zoning Administrator

INSPECTIONS: (910) 433-1768

PLANNING & ZONING:
(910) 433-1612

433 Hay Street Fayetteville, NC 28301-5537
www.FayettevilleNC.gov

www.facebook.com/cityoffayettevillegovernment
www.twitter.com/CityOffayNC
An Equal Opportunity Employer

PERMITTING: (910) 433-1707

CODE ENFORCEMENT
(910) 433-1056

7150
0305

Exhibit E - Recorded Deed

BK 7150 PG 305

(N.P. SEAL)

RF 20

007354

CUMBERLAND COUNTY NC 02/16/2006
33

\$460.00

STATE OF
NORTH
CAROLINA



Real Estate
Excise Tax

RECEIVED

2-16-2006 PM 3:36:16

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

NORTH CAROLINA GENERAL WARRANTY DEED

Parcel Identifier No. 0428-12-0912- and 0428-03-9112-

Revenue \$460.00

Prepared by/Return to: Rebecca F. Person, P.O. Drawer 1358, Fayetteville, NC 28302 RLDNP File #05RE-523

Brief Description for the Index: 2.24 ac. and .73 ac Collier Ld

This Deed made this the 16th day of February, 2006 by and between:

GRANTOR	GRANTEE
LARRY L. TINNEY and spouse BRENDA C. TINNEY	VKC INVESTMENTS, LLC, a North Carolina limited liability company
	Mailing Address: 2583 Ravenhill Drive, Suite 102 Fayetteville, NC 28303

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City/Town of Fayetteville, Cross Creek Township, Cumberland County, North Carolina and more particularly described as follows:

TRACT 1:

BEGINNING at an iron pipe located South 55 degrees 57 minutes East 186.20 feet from the most northwestern corner of the tract of which this is a part, said beginning point being in the southern line of

Shamrock Subdivision, and runs thence along the dividing line of the tract of which this is a part and the southern line of Shamrock Subdivision South 55 degrees 57 minutes East 233.40 feet to an iron pipe 30.0 feet West of the center of Cain Road; thence along the western right of way margin of said road 30.0 feet West of the center the following courses and distances: South 35 degrees 03 minutes West 164.80 feet; South 39 degrees 03 minutes West 123.90 feet; South 38 degrees 08 minutes West 52.80 feet; South 34 degrees 00 minutes West 125.0 feet to an iron pipe in the Southeastern corner of the tract of which this is a part and in the Northern line of a tract heretofore conveyed to William Parsons; see Book 399, Page 613 and Book 618, Page 149, Cumberland County Registry; thence along the Southern line of the tract of which this is a part and the Northern line of the Parsons' lot North 60 degrees 15 minutes West 196.60 feet to a new corner; thence a new line North 31 degrees 30 minutes East 480.21 feet to an iron pipe to the BEGINNING, containing 2.31 acres, as surveyed by J. P. McMillan, Jr., RLS in June, 1975 and being a part of the tract described in deed recorded in Book 673, Page 118, Cumberland County, North Carolina, Registry; and being the same property conveyed to David B. Herring and Leon Allen, Sr., by deed recorded in Book 2564, Page 385, Cumberland County, North Carolina, Registry.

TRACT 2:

BEGINNING at an iron pipe by a fence and in the southwestern line of Shamrock Subdivision Section I, and being the northwestern corner of a tract heretofore conveyed to David B. Herring and Leon Allen, Sr., and is duly recorded in Deed Book 2564, Page 385, Cumberland County Registry, and runs thence along the northwestern line of said tract South 31 degrees 30 minutes West 480.21 feet to an iron pipe by a fence; thence North 60 degrees 15 minutes West 11.20 feet to an iron pipe by said fence; thence along the southeastern line of G.H. Tally, Jr. (or formerly) North 30 degrees 22 minutes East 346.86 feet to an iron pipe, a corner of G.H. Tally, Jr. (or formerly); thence along G.H. Tally's northeastern line (or formerly) North 59 degrees 06 minutes West 185.60 feet to an iron pipe in the original northern line; thence along said line and a line of the D. F. Tally Estate North 42 degrees 30 minutes East 88.20 feet to an iron pipe; thence along another original line and a line of the D.F. Tally Estate North 34 degrees 51 minutes East 57.40 feet to an iron stake in the southwestern line of Shamrock Subdivision; thence along said line South 55 degrees 57 minutes East 183.64 feet to the beginning, containing 0.725 acres. Surveyed June 1975 and resurveyed and amended January, 1985 by J.P. McMillan, Jr., RLS.

The property hereinabove described was acquired by instrument recorded in Book 4847, Page 17, Cumberland County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Book _____, Page _____, Cumberland County, North Carolina, Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

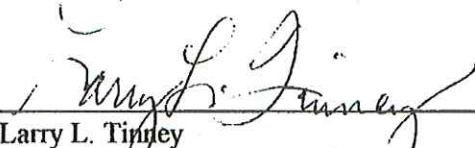
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: utility easements, permits, and rights of way as the same may appear of record.

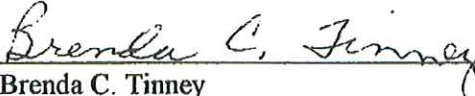
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this

7150
0307

BK7150PG307

instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors, effective the day and year first above written.

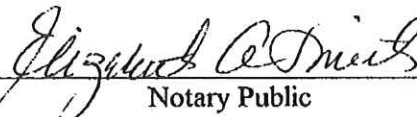
 (SEAL)
Larry L. Tinney

 (SEAL)
Brenda C. Tinney

NORTH CAROLINA
CUMBERLAND COUNTY

I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principals: Larry L. Tinney and Brenda C. Tinney

Date: Feb. 16, 2006


Notary Public



ELIZABETH A. Smith
Printed or Typed Name of Notary Public

My commission expires: 11-18-08



EXHIBIT F - 3D RENDERING OF PROPOSED FACILITY DESIGN

Exhibit G

Why We Do Risk/Needs Assessment

Over the past eleven years Dismas Charities has made substantial investments in the development of a risk/need assessment and case planning infrastructure. To establish a comprehensive model, we took direction from the "What Works" movement using the *principles of risk, need and responsivity (RNR)*. Widely accepted as the foundation for effective recidivism reduction in corrections, we believe the principles have helped us refine our system to deliver an optimal blend of dosage and services to address the criminogenic needs of the diverse population of offenders that we serve in our centers. Our research told us that having an appropriate assessment method was the pre-requisite step to gaining the full benefits from the range of evidence-based practices (EBP) that are now available in corrections. Accordingly, we chose an assessment device that is specifically tailored to our population - the Service Planning Instrument - Re-entry (SPIn Re-entry).

Dismas now has a strong assessment model used with new admissions throughout all of our re-entry programs across the country. The results of assessments prioritize the services offered to residents and help develop individualized case plans focused on successful transition to the community. When we implemented system-wide assessment, we also introduced an efficient e-learning training model to ensure that our staff learn how to conduct assessments from the moment they begin their Dismas careers. As part of the training, our staff gain knowledge of the major tenets of evidence-based practice, and learn practical techniques for developing and implementing assessment-based case plans. We are convinced the assessment and case planning model we employ provides our staff with a unifying framework to help each resident make the most of their short time with us.

Strengths

In addition to risk/needs, our model includes assessment of strengths - the personal assets, resources, supports, and protective factors possessed by residents. The inclusion of strengths in our assessment model reinforces our mantra of *Restoring Lives, Restoring Families, Restoring Communities*. We believe that mobilizing existing strengths and building new ones is the key to successfully re-integrating our residents. Our validated strength-based assessment model helps us engage residents and bring them to a new understanding of their potential for success. By incorporating strengths, our risk/need assessment process provides a more complete profile of the individual. We not only learn about the needs and challenges faced by an individual, but we learn about the unique strengths they bring to the table.

Assessment, Case Planning and the Re-entry Context

While Dismas receives file-based assessment information about our residents, we find that conducting a community-focused assessment when they arrive at our centers is critical to getting to know them sufficiently to develop individualized plans. From years of practice, we know that unless we take the time to get to know their needs, our case managers will have little success in providing the right advice and combination of service options to reduce risk. Each resident has a distinctive story of how they became involved in the justice system, and each will have a unique path to remaining free from crime in the future.

We can't help our residents effectively unless we know them.

The nature and content of needs assessment at the re-entry stage has very immediate implications. Dismas learned that once residents arrive and begin to draw closer to release, this new context has critical implications for understanding their needs profile. They are now much closer to being reunited with family, finding that first job, confronting temptations to use substances, making their way toward financial stability and confidently re-connecting to the community. Their status on such need factors as assessed while incarcerated, suddenly becomes more complex and immediately consequential. Some assessment details collected about these concerns during incarceration are now outdated and less reliable. Many residents have new needs and concerns related to their transition that could not be anticipated while they were incarcerated. Fresh information from our re-entry focused assessment model is essential to understanding how we can help now.

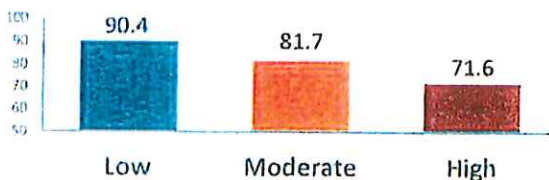
The Assessment Process

Upon admission to Dismas centers, each resident completes a questionnaire that helps us to quickly explore their unique situations. Then we interview each resident and use the SPIn Re-entry template to understand and profile the information. A well-conducted interview not only provides rich data for quantitative assessment, but it helps develop rapport with the resident. It helps us send the message that we are listening and that we want to help them build case plans that will truly reflect their unique circumstances. By using our questionnaire and interview approach, we discovered that we can open up a new path toward engagement. This allows Dismas staff to work collaboratively with residents to develop plans that will address their challenges and mobilize their strengths.

What have we learned?

Apart from helping us become more thoroughly acquainted with our residents from the outset, the adoption of a re-entry assessment tool has helped Dismas better describe and understand our population. We now have quantitative tools for identifying the probable outcomes for our residents while in our care. Using the SPIn Re-entry results, at intake we quickly learn which residents need more attention. For example, we know from their results that our highest risk residents will be considerably less likely to successfully complete their stay with us. In fact, the successful completion for high risk cases is 20 percentage points lower than low risk cases. Assessment results also tell us that high risk cases who exhibit low strength levels are at a further disadvantage – bringing their successful completion rates down to nearly 50%.

% Program Completion by
SPIn Re-entry Risk Levels (N=4,097)



The SPIn Re-entry measures also predict how likely our residents will incur disciplinary infractions, return late from approved outings, and fail to gain employment. Using current assessments based on risk, needs and strengths at program intake, we quickly identify residents that need more attention during their stays. This helps us meet the risk principle to allocate greater resources to those at highest risk of failure.

Based on thousands of assessments completed, we also learned more about the current needs of the people we serve.

- 65% have histories of substance abuse or currently struggle with drug problems.
- 30% were unemployed at the time of offense and only 58% had ever been employed for more than a year
- 28% have not completed high school or GED
- 56% cannot identify pro-social friends in their social networks
- 30% have violent offenses and 13% have anger management problems
- 13% have diagnosed mental health conditions (10% of men and 28% of women)
- 73% have children, but only 28% have current partners and almost half report conflict or instability in the relationships

Importantly, our assessment data indicates that rates for most of the needs shown above will often be doubled for high risk cases. In addition, men and women have different profiles on many of the criminogenic need domains.

Managing Program Resources

Knowing the risk levels of our residents and the nature of their criminogenic needs helps Dismas allocate appropriate levels and types of services. We can deploy scarce resources in an efficient way by developing case plans that are backed up by assessment results. Without taking the time to assess the individuals that enter our centers, we know that we will simply spin our wheels – overserving some individuals, underserving others, and mismatching program resources with individual needs. We have a short window of opportunity to help transition our residents to the community. Maximizing their exposure to resources based on their risk and need is crucial.

Our assessment model promotes efficiency and accountability in our case management activities.

In tracking resident participation, we learned that greater exposure to programming is associated with higher successful completion rates. For this reason, Dismas has been striving to ensure that those most in need of services receive more access to programming. We have been able to combine program tracking data with assessment profiles to monitor whether sufficient resources are devoted to those at highest risk. Our goal was to ensure that high risk cases receive the largest share of programming hours. The figures below show considerable progress towards this goal. While low risk cases represent 19.3% of our population, this group receives 14.8% of all programming hours. However, high risk cases receive more programming hours (45.9%) than would be expected by their representation in the population (38.4%).

SPIn Re-entry Risk Level	% in Risk Level ¹	% of Total Program Hours Consumed
Low	19.3	14.8
Moderate	42.2	39.3
High	38.4	45.9

¹Figures represent the % of cases that fall into low, moderate, and high SPIn Re-entry risk levels.

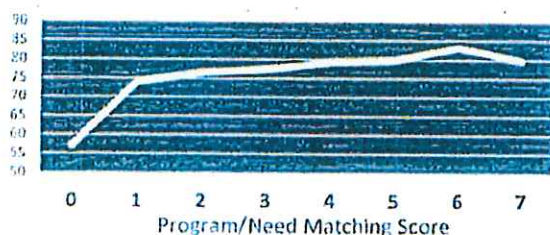
This resource calculus allows us to monitor whether participation in programming is appropriately allocated to each risk level. We can also monitor program metrics by site in a way that ensures that all of our centers are applying the same criteria for resource allocation. This

helps establish accountability across our network and greater fidelity to evidence-based practice.

Service intensity matching is particularly important for high risk cases. For example, when high risk cases receive levels of program exposure that is matched to their risk, 77.2% successfully complete their stays with Dismas. When program intensity was not matched to risk level, only 65.7% were successful. The impact of program intensity is also important for moderate risk cases. The successful completion rates for medium risk cases jumped from 76.3% to 87.5% when service intensity was matched to risk level.

In addition to measuring intensity of participation by risk level, we can also monitor how well Dismas staff match interventions with the residents' assessed needs. Ideally, we want residents to receive programs for as many of their needs as possible. It also means that we do not want residents receiving programs in areas they do not have needs. To quantify this issue, we developed a need matching score that ranges from 0 to 7. A perfect score of 7 indicates that all of a resident's needs were addressed by appropriate interventions. The higher scores also signify that people did not get programs for which they did not have a need. A score of 0 indicates no needs were correctly matched, and in many cases an individual may have received unneeded programming. As the graph shows, the higher the level of need and program matching, the higher the rate of successful completion.

% Successful Completion by Need Matching



Across the full population, we discovered that when *both* risk and needs were appropriately matched, successful completion rates climbed from 73.6% (poor matching) to 85.1% (optimal matching).

The use of a customized re-entry assessment tool provides a foundation for following the risk, needs, and responsivity principles. Our investment in data infrastructure has allowed Dismas to achieve major advances in quality assurance. By using performance indicators, we can now carefully monitor how well our service network operates throughout our centers. Combined with data on participation in programs and successful completion rates, our assessment data has become critical to evaluating how well we meet the needs of our residents and contribute to successful reintegration.



Exhibit H

Dismas Charities, Inc. – Good Neighbors

Over the past 50 years Dismas Charities, has developed a firm and deserved reputation as a valued neighbor and community and corporate partner to businesses and citizens where we locate our programs. Since 1964 Dismas Charities has invested over \$72 million in buildings and improvements in neighborhoods across Kentucky, Georgia, Florida, Texas, New Mexico, Tennessee, North Carolina, Mississippi, Arizona, Alabama, West Virginia and Iowa.

We have also provided over \$580 million in salaries, goods and services purchased in those neighborhoods, and taxes paid. Because Dismas firmly believes in shopping and hiring in its own backyard, the local community realizes the gains. Additionally, government statistics and comments from our neighbors show that property values are enhanced, and crime decreases.



Dismas residents and staff participated in the Macon Adopt-A-Spot program to clean up and enhance the Macon community

Dismas Charities prides itself in being able to walk arm-in-arm with community leaders who understand that our role is not simply to re-integrate returning citizens into their communities. Rather, we become actively involved in the community around us so that the names Dismas Charities and Diersen Charities are synonymous with civic responsibility and enhancement.

Following is a sampling from hundreds of letters of support we receive every year. We're very excited about our successes and the work we do. And we firmly believe that once you take a serious look at our company you'll agree wholeheartedly.

Raymond J. Weis
President/CEO
Dismas Charities, Inc.

I am grateful for the significant role that Dismas Charities plays in reducing recidivism in our federal prisons.

United States Senator Mitch McConnell
Majority Leader

Dismas leads by example by the beautiful renovation and upkeep of their building and grounds. This is not only beneficial to the individuals in their program, but it also shows that they are a good neighbor to those in the community. The example of being a good neighbor can also be seen when the individuals that they are serving are participating in the numerous cleanup projects throughout Old Louisville.

David A. James, President
Louisville Metro Council, District 6
Louisville, KY

We are thrilled to have such a quality program in our backyard!!! Your commitment to doing more than the minimum was obvious in everything you do. Dismas has totally changed my impression of RRC's

Mark Bennett, U.S. District Judge
Northern District of Iowa



Dismas Charities, Inc. – Good Neighbors

I feel that the safety of our citizens is greatly enhanced by the alternative to a life of crime, which Dismas Charities Macon provides.

Robert A.B. Reichert, Mayor
Macon, GA

I recently visited Dismas Charities and found the facility to be well run and organized. I am very supportive of the mission of Dismas Charities and the work they do.

Robert E. Scott, Mayor
Sioux City, IA

When your facility first opened, we were apprehensive concerning your presence next to our facility. Once we were familiar with your mission and the attention that you paid to security, you eliminated our concerns. Since your organization arrived next door, we have not experienced incidents of any kind associated with your presence. You run a tight ship and we look forward to our continued association with Dismas Charities.

Tony Smith, Western Refining
Tucson, AZ

The excellent quality of your work in operating a community corrections center under contract with the Federal Bureau of Prisons has increased economic development...increased public safety (and) the crime rate decreased significantly. It is a credit to have such an organization as professional as this operating in Las Cruces (NM).

Jeff Bingaman
Former United States Senator

Proper reentry into local communities with adequate employment opportunities is critical. I have been most impressed with the care with which Dismas addresses this very important matter. Furthermore, I have had few clients which take the care that Dismas does in educating the community, to include local officials, as well as neighbors, about what Dismas does and how they do it.

Brooks McCabe West Virginia State Senator
McCabe-Henley, Commercial Real Estate Services
Charleston, WV

The center has operated successfully in our community since June 1996. As a member of the Las Cruces community, we support Diersen Charities Las Cruces as an integral part of the community.

Ken D. Miyagishima, Mayor
Las Cruces, NM



In January 2017, Atlanta staff and residents assisted in the Good Neighborhood Project to provide many of Atlanta's homeless population with winter coats.

I believe in the fundamental truths which Diersen Charities Albuquerque was built upon and have seen the positive impact their program has made in the lives of the program residents, their families, and the local Albuquerque community.

Rebecca D. Vigil
Former New Mexico Secretary of State

Dismas Charities has demonstrated a commitment to its facility through ongoing renovation, expansion and equipment. The El Paso Police Department is proud to support the efforts of Dismas Charities El Paso.

Richard D. Wiles
Former Chief of Police
El Paso, TX



Dismas Charities, Inc. – Good Neighbors

Dismas Charities shines as one of the bright lights in our community, quietly providing a residence, job training and life skills to people who otherwise would face overwhelming challenges in their attempts to regain a place in society. You give confidence and dignity and most of all hope, to people who have paid for their mistakes and want a second chance. I thank you, and I know the citizens of Hattiesburg thank you for all that you do to better life here in the Pinebelt.

Deborah D. Delgado, Councilwoman
City of Hattiesburg, MS

This program is committed to working with local community partners including Nueces County. Our community is definitely a better and safer place thanks to Dismas Charities Corpus Christi.

Joe A. Gonzales, Commissioner
Nueces County, District 2
Corpus Christi, TX

The Nashville community and the men and women who journey through the Center benefit from the support and supervision the program provides. I also believe the Center improves the welfare and safety of the community. ...through its leadership has done an outstanding job of outreach with government and civic organizations to further demonstrate the benefit of the Center to the community.

Sgt. John W. Bourque,
Metro Nashville Police Department
Nashville, TN

Dismas has been with us every step of the way. Other agencies have dropped out, but not Dismas. Every time we meet, someone is with us to personally explain the benefits of Dismas. At one year, our recidivism rate was twenty percent lower than the national average. Dismas is a great resource. In addition to providing necessary services, they also hold offenders accountable. It is a rare combination. The Director and her staff are...a truly caring group of individuals.

Carolyn L. Miller, Assistant Commonwealth Attorney
Lexington, KY

As the City Council representative for District 2, I see the good work that the charity has done in East Lubbock and throughout the city. I am a strong advocate for business involvement in the improvement of our city, preferably neighborhoods in East Lubbock. I not only commend Dismas Charities for assisting individuals in reestablishing themselves in Lubbock and surrounding communities, but I applaud your efforts to enhance the appearance of the establishments as well as the appearance of nearby properties.

Floyd Price, Council Member, District 2
Lubbock, TX

The services that are provided by your staff at Dismas Charities are essential to the residents and the families as well. ...men and women really need help in finding gainful employment and programs to reduce the recidivism rate.

Johnny L. DuPree, Mayor
Hattiesburg, MS

We consider Dismas Charities an asset to our community. Through the leadership and programs provided at Dismas... offenders transition successfully into the community while maintaining a high level of accountability...".

Gary Painter, Sheriff
Midland County, TX

As a federal law enforcement officer for 29 years along the Texas border I have seen what drugs and crime have done to our families and communities. Your work contributions are indispensable.

Juan M. Escobar
Former Texas House of Representatives



Dismas Charities, Inc. – Good Neighbors

The Greensboro community and the men and women who come through the center benefit from the support and supervision the program provides. I also think that the center improves public safety.

Robert V. Perkins, Former Mayor
Greensboro, NC

The City of Del Rio Police Department would like to express support for your existing Residential Reentry Center...the center has operated successfully in our community since January 2007.

Waylon Bullard, Chief
Del Rio Police Department

I have enjoyed a very good working relationship with your team and you have proven yourselves to be a good corporate neighbor, through your voluntary assistance with a variety of community initiatives." "I...wholeheartedly support your application to continue to be a part of our community.

Alderman Van Johnson, Mayor Pro-Tem/District 1
Savannah, GA

The importance of Dismas Charities Inc. cannot be overstated. The benefits derived from participating in the program are many, and because of you and your staff's professionalism and dedication, the opportunities for our successful re-entry into society are greatly enhanced. I applaud your organization's professionalism, dedication, patience, and commitment to change. Dismas Charities Inc. has proven to be an invaluable resource for personal growth and development.

F.L.C., Former Resident

I feel that Dismas Charities...operates according to the highest ethical and program standards. The program has a strong role in the local community, serving as a role model of how a corrections facility should be run. The local operation also complements the excellent reputation which Dismas Charities holds nationwide, under highly qualified and professional leadership.

Stephen L. Enders, Director
West Texas Community Supervision & Corrections Department

...Diersen Charities Albuquerque...offer excellent services to their residents and treat them with dignity and respect. Newly released inmate face great challenges in avoiding a return to old habits...it is critical that these inmates are provided the best chance possible to succeed when they rejoin their community. I feel very strongly about this, and that is why I have been a part of the Community Relations Board from its inception.

James K. Strozier, AICP
Principal, Consensus Planning
Albuquerque, NM

We are proud to be the neighbor to Dismas Charities...located behind our hotel. The property always looks great and the ladies are quiet. We believe Dismas Charities...is a very valuable asset to the community and a great inspiration on others to come.

Fairfield Inn Hotel, Former Manager
Owensboro, KY

... Dismas applicants are usually among the most literate and professional that we hire. Secondly, the availability of Dismas staff to us has always been outstanding. All levels of staff at Dismas are consistent and immediate responders, and daily follow-up is a reliable part of our relationship.

Gail Magruder, Director of Human Resources
Greensboro, NC



DISMAS

Dismas Charities, Inc. – Good Neighbors

I am pleased with the amount of contact Dismas Charities has made with various local organizations in our area...Dismas has a great history of working successfully in many communities across the country....

Henry Garrett, former Mayor
Corpus Christi, TX

In addition to helping an individual respect one's self, Dismas also instills the need to respect others in every way possible. A prime example of this are the beautiful landscapes and well maintained facilities that Dismas operates. Many of these facilities are the shining star in their neighborhood! Dismas Charities is an organization that gives back to the community and encourages the men and women in their programs to give back as well. Helping these men and women acclimate into society as productive, caring humans is a skill in which Dismas excels.

Marianne Butler, Councilwoman
Louisville, KY

Dismas has operated successfully in our community by providing a safe and effective reentry service for returning offenders (and) has been extremely conscientious in its cleanup and beautification efforts, and I truly appreciate the hard work and time you have invested in this commitment to the community.

Tom Martin, Former Mayor
Lubbock, TX

I was so pleased with (residents) work and their accountability...that I've made referrals to other businessmen who have also hired them. The community as a whole has benefited from the facility, as many of the men and women who have been released, I've seen out in public, and all have high praises for the facility and how it literally changed their lives....

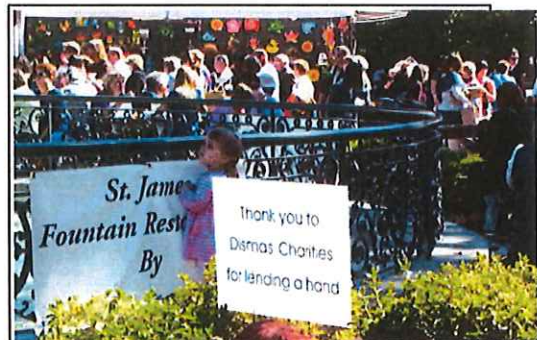
Robert Hodges, Owner
L&B Lawn Services
Memphis, TN

...Director, is a tireless advocate for his residents and their successful re-integration into the community. His willingness to get involved in community activities and partnering with other agencies to ensure resident's needs are met is unsurpassed. His commitment is one of the reasons Diersen Charities of Memphis has been successful and is highly respected throughout the Greater Memphis Area.

Keith Shelton, Administrator
General Sessions Court Clerk's Office
Memphis, TN



Diersen Charities Las Cruces participated in the community event, *National Night Out*, observed nationally each August to raise police awareness, drug prevention, safety and health awareness, fire prevention and neighborhood watch.



Dismas Charities Louisville provided valuable assistance in its own neighborhood by preparing for the annual St. James Art Fair. The event hosts 750 artists from North America, is attended by over 300,000 over its three-day run and is held in the heart of historic Old Louisville.